AMERICAN MANUAL

OF

PARLIAMENTARY LAW;

OR THE COMMON LAW OF

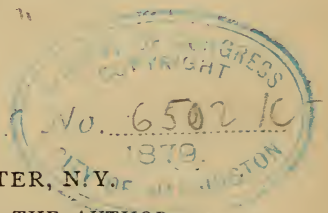
DELIBERATIVE ASSEMBLIES.

SYSTEMATICALLY ARRANGED FOR THE
USE OF THE

PARLIAMENTARIAN AND THE NOVICE,

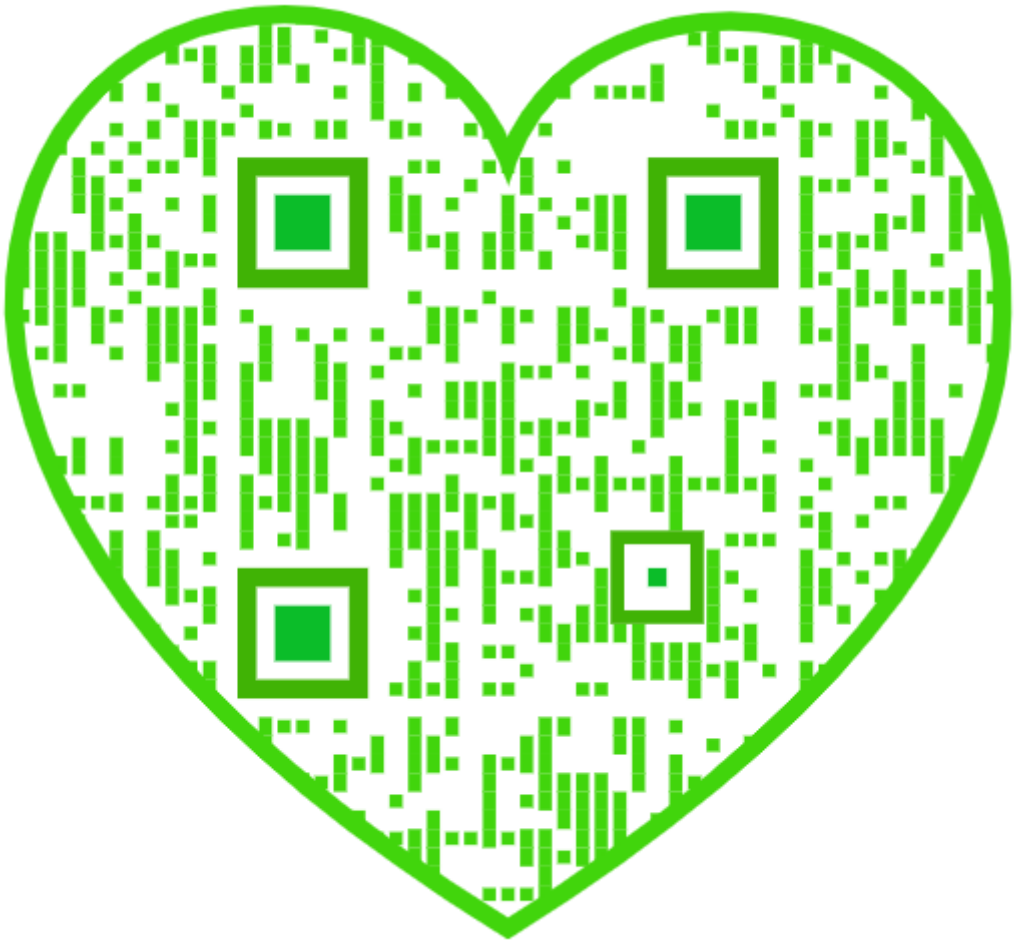
BY

GEO. T. FISH.



ROCHESTER, N. Y.
PUBLISHED BY THE AUTHOR.
1879.

Another issue.



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DEDICATION.

TO YOUNG AMERICA,

whose "first words on rising from the cradle are 'Mr. President,'" this condensed volume is respectfully dedicated, in the hope that it is sufficiently concise and complete, to aid in saving, for the consideration of important questions of public welfare, time which otherwise might be devoted to study and contention over trifling points of Parliamentary Law.

AUTHORITY.

That the novice may judge of the value of this work as a book of trustworthy reference and authority, space is here afforded for one of the many complimentary testimonials received from distinguished parliamentarians. Senator Ferry's is selected, not so much for the moderate though decided language in which it is expressed as for the reason that it comes from a gentleman who has occupied the highest post of honor requiring parliamentary skill in the gift of this government. On the death of Vice-President Henry Wilson, he was elected by the U. S. Senate to preside over its deliberations, which position he occupied until the inauguration of Vice-President Wheeler.

UNITED STATES SENATE CHAMBER,
Washington, June 3, 1879.

Dear Sir:

Having given such examination as the time would allow of the "American Manual of Parliamentary Law," by Geo. T. Fish, I take pleasure in recommending it as a systematic, concise and complete manual, covering in brief and clear statement the present state of parliamentary law as modified by authoritative practice. As a book of ready and reliable reference it is entitled to great respect.

Yours truly,

T. W. FERRY.

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INTRODUCTION.

Believing that Parliamentary Law is entitled to recognition as a science, and yet not a science worthy of a life-long study, it has been the author's endeavor to so systematize and condense this work that it may become useful not merely for the purpose of study, but for ready reference. This, it is hoped, will render superfluous the numerous miscellaneous rules usually adopted by deliberative societies, most of which rules re-affirm the law which would govern in their absence.

Writers on parliamentary subjects seem to be fond of quoting from Hatsell the saying, that "It is much more material that there should be a rule to go by than what that rule is." While this is doubtless true, the progress which deliberative bodies have made during the past century in their methods of proceeding, plainly shows that *what the rules are* is considered important. Therefore, in cases where good authorities differ, the author has followed that writer who gives the law according to analogy, rather than the one who makes unnecessary exceptions to general rules. As in the absence of statutory law, the common law is in force, so in the absence of a special rule, the Parliamentary Law governs. It took its origin in the long established usages of Parliament, especially the usages of the House of Commons. The English law has, so far as this

country is concerned, been greatly modified by the usages of Congress, more especially by those of the House of Representatives. In determining the extent of these modifications, it must be remembered that each special rule, or decision, particularly if the result of party bias, does not necessarily modify the general usage.

While writers in their treatment of Parliamentary Law, are not at liberty to set aside the established customs to gratify their own fancies or prejudices, they have always freely availed themselves of the privilege of arranging the subject in the order they judged best suited to the objects in view. The author has made such changes in classification, as he believes will tend to simplicity. As an example :—the motion to Divide has usually been classed as a Subsidiary Question, and a Question of Order as an Incidental Question. This arrangement is here reversed, in order to make the classification conform to the universal custom in the use of these questions. In the ordinary sense of the words, all subsidiary questions are incidental, and *vice versa*, but the technical use of these terms is explained in the proper place. [59, *a*, *b*.] The chief cause of parliamentary complications is the existence of what are termed Preferred Questions. At best there are many details connected with them. The author has attempted their classification, to the end that as far as practicable general rules may be laid down concerning them. To avoid unnecessary repetition, several new terms have been introduced, with a full explanation of the sense in which each is used.

The student of Parliamentary Law is advised to examine with care Articles VI, VII, VIII, and IX, as the whole subject is practically mastered by an understanding of the general principles upon which the questions therein treated are based.

In using the work as a book of reference, the marginal guide to articles will enable a person at all conversant with it, to turn to almost any subject, without the aid of the index. If the index is used, the marginal guide will greatly assist in turning to the sections, all of which have appropriate headings. Concerning motions, the Table in the article on recapitulation should be first consulted. By the aid of cross references in the Table as well as other parts of the work, all the points connected with a given subject may be readily examined.

As the method of treatment of details is likely to be a vulnerable point in a work of this nature, no apology need be offered for the minuteness with which the various questions are treated. The great intellects of the world have recognized the importance of attending carefully to the little things of life. It is the neglect of these in many cases which causes annoyance and difficulty. The writer's general aim has been to combine system, brevity, and completeness. The measure of success which has been achieved, must be determined by the discriminating reader.

AMERICAN

MANUAL OF PARLIAMENTARY LAW.

ARTICLE I.

Organization.

SECTION **1. A Call** for a deliberative meeting of any kind, should always be signed. The assembly is called to order for the first time by one active in convening it. Those present then give attention, and, if in a room provided with seats, are seated, the gentlemen with heads uncovered. [§ 31.]

2. Chairman. The person calling to order, then requests nominations for Chairman, or he himself, if entitled to a vote in the assembly, may nominate. A vote is then taken upon the names, in the order of their nomination, until one receives a majority vote and takes the chair. Nominations, being of the nature of motions to fill blanks, may be

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debated, but need not be seconded. It is not in order to amend by substituting one name for another.

3. **Other Officers** may then be elected, the chairman keeping the minutes until a clerk is elected. When two or more persons are elected to fill the same office jointly, they rank in the order of their election, the first on the list being the principal.

4. **A Permanent Organization** may be made at any time thereafter by the election of new officers (or a vote continuing the old), through a committee or otherwise. If this is not done, the temporary organization becomes the permanent one without a special vote. When not elected for a definite term, officers may be removed at any time by a majority vote. When new officers are not elected at the time fixed by rule, an election may take place at any time thereafter, the old officers meanwhile holding over, but not beyond that Assembly Term. [17.]

5. **Eligibility to Office.** Care should be taken to select temporary officers from those who are members, or eligible to membership,

though in some bodies, by special rule, the officers are not members.

6. Delegated Bodies, as soon as provided with temporary officers, should ascertain who are members. This is best done by appointing a committee on credentials to examine and report to the assembly for its action. In acting on the report, those only can vote who are duly returned and whose seats are not contested, and the names of such should form a separate part of the report, that they may be acted on before contested cases are taken up.

7. Delegates and Alternates rank for admission in the order of precedence indicated by their credentials. [26, *h.*] The assembly electing them, may empower delegates to fill vacancies, or each may be empowered to appoint his alternate, but in either case in the absence of a rule, the credentials must state the authority conferred. An alternate, admitted in the absence of the regular delegate, is entitled to retain his seat for the full term for which he was elected, the regular becoming the alternate delegate. If a dele-

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gate is excused by the assembly before the close of the Session, an alternate, if present, should be admitted. The one remaining till the close of the Session, is entitled to the emoluments.

8. Contested Seats. A person's right to membership being questioned, he is entitled to a hearing, after which he should absent himself until it is decided. If permitted to remain, he must take no further part either in speaking or voting, until the question is decided. This rule also applies to other cases where a person's private interest, or conduct as a member, is concerned.

9. Equality of Rights is a fundamental principle, and knows no distinction of race or sex To make a distinction, it must be clearly set forth in the call for the meeting, or the laws or rules governing it. The masculine pronoun, for example, often comprehends both sexes, and its mere use, though frequent, would not exclude either. The following are modifications of the general rule of equality:

a. YOUTH. In the absence of a rule to the contrary, members must have attained a

majority, which, by law, is in most states fixed at twenty-one years.

b IDIOCY, INSANITY, AND INTOXICATION, each and all, totally disqualify from participation in deliberative assemblies.

c. PRIVATE RIGHT, distinct from public interest, being involved, the member concerned has no right to vote. If, however, it is a question relating to his conduct as a member, and other names are included with his, he being one of a class affected, he is entitled to a vote, though delicacy might sometimes prevent his exercising that right. If it is a question of pecuniary interest, the parties named in a bill, or other proposition, either individually or collectively, are excluded from voting thereon, whatever their interest may be. Those not named as parties must be shown to have a *direct* pecuniary interest in having the measure adopted, or defeated, in order to exclude them from voting. If the interest is one which can be disclaimed, that may be done before or after voting. A member's right to vote, may be decided by the assembly before or after the vote upon the measure.

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d. OFFENDERS against morality, decorum, or the rules of the assembly, are liable in some cases to have their privileges abridged, or annulled, by vote. [32.] Whether immorality would be ground for discipline, would depend upon the nature of the organization; for it is clear that it would not be sufficient cause for depriving a stockholder of a corporate society of his pecuniary rights. The next section contains a brief statement of some of the rulings of courts relating more or less directly to this question.

10. Court Decisions. Courts of different states have held that a church, as a religious body, is distinct from a body which has availed itself of a general state law for incorporation, though one may exist within the pale of the other. With the action of the former, as well as that of other voluntary societies in maintaining their discipline, the courts do not interfere, and hence a person may be expelled from church membership on account of immorality. In relation to the corporate body, and other societies incorporated under state law, the courts have held that "without an express power in the charter,

no person can be disfranchised, unless he has been guilty of some offence which either affects the interests or good government of the corporation, or is indictable by the law of the land," and in the latter case he must first have been convicted by a jury. (2 Binney, 441, 6 Lansing, 172.) The Supreme Court of the United States has made a decision (13 Wallace, 679) in relation to church property in case of a schism, in seeming conflict with the foregoing, in substance, as follows: When the conveyance is,

a. For a Specific Purpose. When by the express terms of the instrument under which the property is held, it was devoted to the support of some specific charity, or form of religious doctrine, or belief, the courts will protect in the use of the property those interested in the execution of the trust.

b. For General Purposes to an Independent Congregation. When by the terms of the instrument under which property is held, it was devoted to the use of the Congregation as a religious society, such society being independent of higher church government, the religious opinions of those who

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compose the organization cannot be examine by the courts. In case of a schism, the rig to the property must be determined by th ordinary principles which govern voluntar associations. If the principle of governmer in such cases is that the majority rules, the the majority of members must control th right to use the property. If there are with the congregation officers in whom are veste the power of such control, then those wh adhere to the acknowledged organization, ar entitled to the use of the property.

c. To a Subordinate Congregation. I a case of schism in a religious congregatic holding property as a "subordinate membe of some general church organization, in whic there are superior ecclesiastical tribunals, wit ultimate power of control more or less con plete in some supreme judicatory over th whole membership of that general organiz tion, then whenever the questions of di cipline, or of faith, or ecclesiastical rul custom or law, have been decided by th highest of their judicatories to which th matter has been carried, the legal tribuna must accept such decisions as final, and a

binding on them in their application to the case before them."

11. Quasi Members are distinguished by various names. They are sometimes called honorary members. In the U. S. House of Representatives they are called delegates, and are sent from territories. In the absence of a rule, they are entitled to all the rights and privileges of full members, except voting, and to raise an objection when unanimous consent is asked, is equivalent to voting. The election of a Quasi Member to office would not, in the absence of a rule, confer the privilege of voting.

12. A Quorum consists of a majority of the voting members. The president should not take the chair until a quorum appears to be present, except for the purpose of adjournment; and when a count shows that there is not a quorum, the business cannot proceed, but the assembly may discuss questions, and adjourn from time to time until a quorum is present. When the membership is indefinite, as in a citizen's meeting, a quorum is not regarded.

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13. Parliamentary Law. As soon as a temporary organization is effected, it is well to adopt as authority, until otherwise ordered, some work on Parliamentary Law. [112, *c*, 9.] In some cases this will be found to answer for the Session, while in others it will suffice until the assembly is ready to adopt rules.

ARTICLE II.

Meetings.

14. Regular Meetings. When an assembly is convened for a Session of several days, and no hour is fixed by rule or vote for another day's Sitting, an adjournment would be to the hour named for the first Sitting. When an intermission is provided for in advance, an adjournment before the time for intermission, unless specific, would not be to the hour at which intermission closes, but to the time of the next Sitting.

15. Special Meetings, in the absence of a rule, should not be called, except in extreme cases, when they may be called by the executive committee, if one exists. Sufficient

notice must be sent each member, or the notice must be published in such manner that all shall have a reasonable opportunity of being apprised of it. No business except that named in the call, should be transacted at a special meeting.

16. Divisions. The meetings of deliberative assemblies are separated into the following divisions:

Assembly Terms, Sessions, Session Periods, Sittings, Sub-Sittings, Stages of Business, and Parliamentary Days.

17. Assembly Term. In purely representative bodies there is a time when the term of office of all, or a considerable portion of, the members expires, and a new body is formed. The time between two such periods, is called an Assembly Term. In Congress the senatorial term is six years, while the term of Representatives and the Assembly Term are each two years. Boards of Trustees, etc., may sometimes be said to have Assembly Terms.

18. A Session includes all the sittings of one convention until it adjourns *sine die*, the

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different parts separated by temporary adjournment, being considered parts of the same meeting, as "The annual Session of the legislature." This word is often used for Sitting, but in this work it is used in its strict sense.

19. Session Period. When Sessions are held as seldom as quarterly, a Session Period is the Session. When held oftener, it is a space of time covering three calendar months, dating from any specified time

20. Sitting is used in this work to denote that part of a Session separated from the rest by temporary adjournment; as, "The evening Sitting." When a society holds one regular Sitting each week, or month, each Sitting is a Session.

21. A Sub-Sitting is that part of a Sitting separated from the rest by an intermission. An intermission separates different Sub-Sittings. An adjournment separates different Sittings. A close, or adjournment *sine die*, separates different Sessions. A dissolution separates different Assembly Terms. Adjournment is used generically to cover temporary adjournment, close, and dissolution,

and it is also frequently used specifically for either. In Congress, "recess" is used for intermission, and also to indicate an adjournment over several Sittings.

22. Stage of Business includes that portion of time in which the business is in the same condition. For example, if a question is pending, and a motion is made to Postpone, the Stage is changed, and if adopted, it is again changed, but if lost, the Stage of Business becomes the same as it was before the motion to Postpone was offered. The Stage is not changed, however, while an undebatable motion is pending, except temporarily during interruption by a Privileged Question, other than to Adjourn.

23. Parliamentary Day. The whole of a Sitting is, in a parliamentary sense, held on the same day, even though continued past midnight.

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ARTICLE III.

Duties of Officers.

24. The Presiding Officer of temporary organizations and committees is usually called a chairman; in religious bodies, moderator. In permanent organizations the common title is president, and this term is used in this work to include the foregoing and all other names applied to this officer. It is his duty:

a. To Call the Assembly to order at the proper time and place.

b. To State all Questions that are in order, and to put them to vote at the proper time. He may rule out, subject to appeal, questions obviously frivolous. He should rise to take the question, if the vote is approximate [96], but if he prefers, he may read and state motions sitting.

c. To Announce the result of all votes and the business in its order.

d. To Certify, when necessary, to the papers and proceedings of the assembly.

e. To Decide Questions of Order, the decision being subject to appeal. He should call to order members who depart from

decorum or from the rules of the assembly. He may call to order, and caution a member, when satisfied that he is about to commit a breach of order, but great care and judgment should be used in exercising this privilege. He has preference in speaking to Questions of Order, and should rise for that purpose. Except on Questions of Order and Appeal, he must vacate the chair before engaging in debate.

f. To Enforce the rules of order and decorum as long as the assembly supports him in so doing, and to see that the officers perform their duties.

25. The Vice-President acts in the absence of the president, or when he leaves the chair to take part in the proceedings. When a motion is made referring to the president exclusively, or nearly so, it should be put by the vice-president, if he is occupying his official seat; otherwise, by the clerk.

26. The Clerk is called Secretary, Recorder, Scribe, etc. It is his duty:

a. To Call to Order, in the absence of officers entitled to the chair, and to preside

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until the election of a chairman *pro tempore*, which should be immediately made.

b. To Call the Roll, and note absentees, or in voting by yeas and nays, to record the vote of each member.

c. To Announce the receipt of all papers addressed to the assembly which are in his possession.

d. To Certify, when necessary, to the papers and proceedings of the assembly.

e. To Read the journal, and such papers as are ordered to be read, rising for the purpose.

f. To have Charge of the journal of proceedings, and of all documents belonging to the assembly, not within the province of the treasurer, and not otherwise provided for. All official books are subject to the inspection of members at all proper times.

g. To Keep Minutes of the proceedings of the assembly, and after they are approved, to enter them on the journal. In some assemblies, the minutes should show only what is done and passed, but in the absence of a rule, all principal motions should be recorded, even though they do not prevail. Among

other things, the minutes should state time (and place, when variable) of meeting; whether regular or special; adjourned regular or adjourned special; officers present, officers absent, and appointments *pro tem.*; the names of speakers on each side of all measures; the number of votes on each side, in case of a division; whether the minutes of previous meeting were approved; the hours at which the Sitting was convened and adjourned. When the occupant of the chair is changed during the Sitting, it should be noted in the minutes. No part of the minutes can be expunged except by unanimous consent, but the journal may be corrected by a majority vote.

h. To Prepare the Credentials of delegates or representatives. They should state the precedence of each by numbers, commencing with the one having the highest number of votes. When two or more candidates receive the same number of votes, they rank in the order of nomination. This rule applies also to alternates. A member elected to fill a vacancy takes the same rank as the one whose place he supplies. [7.]

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i. To Notify Committees of their appointment and to furnish them with necessary papers. He should arrange the names of members of a committee in the order of their appointment, according to the last subsection.

j. To Indorse Reports with the date of reception, names of committee and action taken, and to place them on file. On their adoption, a summary, at least, should be entered on the journal. If containing recommendations or resolutions, these should be entered in full on the journal. The report, and not the proceedings of a Committee of the Whole, should be entered. The reporting of speeches for publication, should devolve upon a separate clerk.

k. To Number Drafts in consecutive order, without changing the series until the assembly orders a change. The numbering of other papers should also follow this rule.

27. **The Treasurer** receives all moneys belonging to the assembly, and pays it out only on its orders, attested by the president and clerk. He must keep accounts in detail of all moneys received and paid out. In case

there is a financial clerk, he receives and the treasurer disburses.

28. The Doorkeeper has charge of the entrance to the assembly room and should be able to announce the names of all who enter while a vote is pending.

29. Substitutes. In the absence of an officer, the president, being present, may appoint or the assembly may elect an officer *pro tem.* When it is necessary for the president to vacate the chair in the absence of a vice-president or other officer authorized to preside, he may appoint or the assembly may elect a chairman *pro tem.* The one so selected may yield the chair on the arrival of a permanent officer entitled to the office, but he can be compelled to do so before the close of the Sitting only by vote of the assembly. The place of a *pro tem.* officer is liable to be vacated at any time by the election of a *pro tem.* successor. Except as above, an appointment *pro tem.* holds till the close of the Sitting, and an election *pro tem.* till the close of the Session.

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ARTICLE IV.

Offences.

30. Disorder is classed under two heads. It becomes—

a. A SUBJECT OF PRIVILEGE, which is classed under Privileged Questions [58, *b*], when the proceedings of the assembly are interrupted or disturbed, or its rights or those of individual members infringed;

b. A QUESTION OF ORDER, which is classed under Subsidiary Questions [59, *a*], when the proceedings of the assembly are not conducted according to the rules, as would be the case if questions were not properly presented or introduced in proper order, or if members were allowed to speak irrelevantly.

31. It is a Violation of Parliamentary Law—

a. FOR GENTLEMEN TO WEAR THEIR HATS in an assembly room, except where religious or conscientious scruples require it.

b. TO REMAIN STANDING, if seats are provided.

c. TO MOVE ABOUT the room unnecessarily, or while a vote is being taken.

d. To Pass between the president and a speaker.

e. To Disturb Others in any manner, as by smoking, whispering, hissing, or applauding, the latter more especially when the assembly is divided in sentiment.

f. To Designate a member by name in debate. He should be described by his official title, or as the member who last spoke, etc.

g. To Refer to the proceedings or opinions of a committee or coördinate legislative branch, or of the executive, except on matters regularly reported or officially communicated, also to refer in Committee of the Whole to the proceedings or arguments used in the assembly.

h. To Reflect upon the acts of the assembly, unless such action is under reconsideration or repeal.

i. To Interrupt with calls for the question, or impertinent Questions of Order or Subjects of Privilege.

j. To Misrepresent another's remarks, or when he is not under discipline to impute unworthy motives to him.

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k. To Use Language insulting or disrespectful toward the assembly or any of its members.

l. To Neglect Official Duty.

32. The Penalty for either of the preceding offences, or for any other offence, should be in proportion to its gravity and the motive of the offender. If not excused, he may be expelled, or made to submit to any of the following penalties under pain of expulsion: apology, prohibition from speaking or voting, suspension (exclusion from the assembly room) for a specified time, fine, reprimand, or removal from office. Punishment for official misconduct need not be confined to the last named penalty.

33. Open Contempt. Insulting language or other form of open contempt toward the assembly, must be noticed immediately, if at all; for, if the offender concludes his remarks and another is permitted to speak, or, if other business follows before the open contempt or insulting language is noticed, it is then too late to have it recorded or to affix a penalty. If noticed at the time, it is a subject of the highest privilege.

a. RECORDING. The offending member should be interrupted by the chair or other member, when the objectionable act should be named, or the improper language stated, verbatim if possible, either verbally or in writing. The chair or assembly may then order the clerk to record the language or to note the act.

b. DECISION OF FACT. The act or language is then read from the minutes by the clerk, when, in case of denial by the member, the assembly confirms or amends, according to the facts.

c. AN EXPLANATION of the act or of the sense in which the words were used, may then be made by the member, or he may justify them or apologize.

d. A QUESTION OF GUILT, if the explanation is not accepted as satisfactory, may then be raised by motion, or the subject may be postponed for future action.

34. Written Charges. Offences not committed in open assembly, should be brought to notice by written charges, signed by a member of the assembly who is not under charges or discipline, stating with reasonable

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VI. QUESTIONS. 56–62.
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VIII. SUBSID. Q. 67–75.
IX. INCIDEN. Q. 76–84.
X. DEBATING 85–90.
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XII. COM'TEES. 102–103.
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clearness, beside the general offence, the particular specifications.

35. Trial. Members under charge, unless they make confession in open assembly, or before the proper committee, are entitled to an impartial trial without unnecessary delay. Such trial may take place in the assembly, the clerk giving the accused notice [108, *b*], but it is usually referred to a committee [108.] Proof of conviction for an indictable offence is sufficient ground for expulsion. [For method of impeachment by legislatures, see Barclay's Digest, 2d sess. 42d Cong., pp. 107–110, and Manual of U. S. Senate, 1877, p. 169.]

a. ACTION on the report of the committee, may take place when it is received, if the accused consents; otherwise, a time should be fixed for its consideration, and the clerk should send notice to the accused with a copy of the report. The accused shall be heard by the assembly and then retire [8]. If it is a personal matter between the two parties, after a hearing, the accuser and accused should retire. Counsel for the parties, if not members of the assembly, can

remain only by permission. While considering the report, no new evidence is to be permitted, but the report may be recommitted for further evidence. [108.] Before action, the accused, if reported guilty of contempt in not appearing before the committee [108, *c*], may offer an excuse, and if this is accepted, the case may be recommitted.

36. Balloting. Voting on the adoption or amendment of the committee's report or upon the verdict or penalty in other cases, must be by ballot, if the accused or any other member requires it.

37. Standing. The accused is considered innocent until guilt is confessed in the assembly or before the committee to whom the matter is referred, or until he is decided guilty by vote, after which he can take no part in the assembly, but may be present until the penalty is decided, except as indicated in § 8.

38. Ejection. An assembly being lawfully in possession of the premises, may eject, forcibly, if necessary, any person not entitled to admission, or who conducts himself in an

V. BUSINESS. 41–55.
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improper manner. For this purpose the president may detail members. In the removal, should either of them use harsher means than are necessary, such person, and not the assembly, would be responsible at law.

39. Reconsideration. A question of guilt or penalty cannot be reconsidered The sentence may afterward be remitted or commuted in case of fine or suspension, but it cannot be commuted in case of expulsion.

40. After Expulsion, an assembly may publish that the person has ceased to be a member, but to publish the charges might be deemed libelous.

ARTICLE V.

General Business.

41. Obtaining the Floor. To secure attention of the assembly for any purpose, even to make a nomination, or to second a motion, the member must obtain the floor by rising (infirm people are permitted to sit) and addressing the presiding officer by his

proper title. That officer will recognize him, usually by calling his name, after which the member may proceed in order, standing uncovered [31, *a*] until he concludes.

42. Floor Contested. The member who first rises is usually entitled to the floor, but there are exceptions, and often two or more rise at once. The decision of the chair being unsatisfactory, any member may designate the one whom he believes entitled to the floor. The chair then takes the question, first, as to the member he has recognized, and, if that is negatived, as to the member next named, no debate being permitted. The chair should decide in favor of the member,

a. WHO RISES TO A SUBJECT OF PRIVILEGE. [65.]

b. WHO RISES TO A QUESTION OF ORDER OR APPEAL. [68.]

c. WHO GIVES THE NECESSARY SECOND to a motion or appeal just made.

d. ENTITLED TO THE FLOOR when the subject was interrupted.

e. WHO FIRST RISES and addresses the chair after the floor is vacated.

V. BUSINESS. 41–55.
VI. QUESTIONS. 56–62.
VII. PRIVILEG. Q 63–66.
VIII. SUBSID. Q. 67–75.
IX. INCIDEN. Q. 76–84.
X. DEBATING 85–90.
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XII. COM'TEES. 102–103.
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f. WHO WAS THE MOVER of the proposition.
g. WHO RISES IN HIS PROPER PLACE.
h. WHO SELDOM SPEAKS.
i. WHO IS FARTHEST from the chair.

43. Interrupting a Speaker. If a member is in possession of the floor, and a Subject of Privilege or Question of Order is to be raised, the object should be stated when the chair is first addressed, as, "Mr. President, I rise to a Subject of Privilege," or, "to a Question of Order" The chair then permits the person interrupting to state his matter of preference, the other, meanwhile, being seated. A Subject of Privilege *very rarely* warrants the interruption of a member. An appeal may be made, or a motion or appeal just made may be seconded, if a second is required, in the same manner. In like manner a question may be raised as to title to the floor when more than one member rises [42], or a vote may be doubted when announced by the chair. [97.]

44. Motions and Seconds. Propositions for action are, in general, called motions or resolutions. Proposed laws in legislative bod-

ies are called bills. All questions require a verbal or written second, except "to take up the Special Orders [66], Questions of Order [68], title to the floor [42], doubt as to the result of a vote [97], filling blanks [73, *e*], and other nominations [2] and measures introduced from a coördinate branch. Sufficient time must be allowed for a motion to be seconded, or for an appeal from a decision to be presented, before other business is allowed. The chair may require all principal motions, amendments, and instructions to committees, to be written, or he may entertain and write them himself.

45. Stating the Question. This is done by the chair [94] after the motion is seconded, and before any one is allowed to debate it [85, 86] or make any motion whatever. The chair may, however, permit members to make reasonable suggestions, which often facilitate business. When regularly before the assembly, the question is usually stated from the chair or read as often as may be necessary for the information of any member. [81.]

VI. QUESTIONS. 56–62.
VII. PRIVILEG. Q. 63–66.
VIII. SUBSID. Q. 67–75.
IX. INCIDEN. Q. 76–84.
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46. A Petition should be signed unless the petitioner is present. The member presenting it should state briefly its nature, and be able to assure the assembly, if required, that its language is not disrespectful. He or any other member may then move to receive it. [49.] If received, the member sends or takes it to the clerk, who proceeds to read it. If the motion to receive is tabled, the petition is retained by the member offering it. Communications intrusted to members, or directed to the clerk or president, may be presented in a similar manner.

47. Reports. At the proper time, the member rises in his place and informs the chair that he is prepared to present the report of his committee, naming its title. The question of reception is determined as in the last section. If received, the member usually reads it and hands it and all papers connected therewith to the clerk. If lengthy, however, it is sometimes received and the reading deferred until the assembly is ready to act upon it. When action is taken, the recommendations or resolutions and argument may be amended, but it is usually quite sufficient

to amend the former. The report of the chairman of a Committee of the Whole, is made as soon as the committee rises. [107, *d*, (5).] If progress is reported and leave granted to sit again, the time of sitting will be fixed. If leave is not granted, the subject comes up before the assembly in its original state.

48. Action on Reports. After a report is read, a motion to receive is not called for. The proper motions on ratifying it in any form are, to adopt, to agree to it, or to accept it; the first is the best form. In the absence of an Order of Business, or, if under the head of "Reports," it may be acted on when presented; but, if under the head of "Reception of Reports," it must lie over until unfinished business is reached, unless it is made a Special Order. This section sufficiently defines the proper time for action on petitions.

49. Informalities. In routine business the president often takes it for granted that a motion is seconded, or moved and seconded. He allows a paper to be read, a report to be received, a motion to be divided

VI. QUESTIONS. 56-62.
VII. PRIVILEG. Q 63-66.
VIII. SUBSID. Q. 67-75.
IX. INCIDEN. Q. 76-84.
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or withdrawn, without putting the question, and, in the absence of any other motion, he announces the question to be on the adoption of the report. The report of a committee on distribution or programme, is often considered as adopted when presented, the latter, however, subject to future revision. After the journal is read, he gives time for objections or corrections, stating that, "If there is no objection, the minutes will stand approved as read," or, "as amended," and there being no objection, he declares them approved. In all such cases when an objection is raised before the business is concluded, the chair should require a question and vote in the regular form.

50. The Death of a member may be announced by any member duly informed of the fact, and such announcement goes upon the records as official.

51. Renewals and Repeals. When the negative of one question is equivalent to the affirmative of another, the decision of one precludes the introduction of the other. A motion withdrawn, and sometimes Questions of Order [68], may be renewed, but a ques-

tion once acted on or repressed [75], cannot again be brought forward (renewed or repealed) during the same Session Period, except—

a. WHEN THE ACTION IS ILLEGAL, in which case it may be rescinded or repealed. [55.]

b. WHEN THE MEASURE IS INTRODUCED FROM A COÖRDINATE LEGISLATIVE BRANCH.

c. WHEN IT HAS BEEN DECIDED to reconsider [82], or when a bill is vetoed, in either case the question is again acted on without an additional motion for that purpose.

d. AUXILIARY QUESTIONS may be re-introduced after a subject is reported back from a committee (though in its original form), or after it has been decided to reconsider the Main Question, or at different readings of a bill in legislative bodies. In the cases named in this subsection the Main Question is newly opened to debate. Further (apparent) exceptions to this section are named in the two following.

52. Quasi Renewals. A motion to Adjourn, meaning that the assembly do now adjourn, becomes technically a different mo-

VI. QUESTIONS. 56–62.
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IX. INCIDEN. Q. 76–84.
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tion when made at another time during the same Sitting, though the wording is the same. For this and similar reasons, the following motions, classed as Quasi Renewals, if lost, may be again introduced as stated below, and hence cannot be reconsidered:

a. To Adjourn may be re-introduced at another Stage of Business, or after progress in debate, or after business is found to be completed.

b. To Take up the Special Orders, after disposing of the pending subject.

c. The Subsidiary Questions, to Lay on the Table, to Close Debate, to Postpone to a Stated Time, to Commit, and to Repress, may be re-introduced at another Stage of Business, or on another day.

d. To Open Nominations may be made or re-introduced after a vote is taken or a nomination withdrawn or declined.

e. To Close Nominations may be moved or re-introduced after another nomination is made.

f. The Resultant Questions, to Agree, to Recede and to Adhere, may be again moved

after the measure is returned from the other house. [74.]

g. THE ORIGINAL QUESTIONS, to Take an Intermission, to Take from the Table, to Discharge a Special Order and to Relieve a a Committee, may be re-introduced after another subject of business intervenes.

53. Quasi Repeals. Some motions, if adopted, may afterward be disposed of without being repealed, and in such cases it is not in order to move a reconsideration. Such may be disposed of as follows:—

a. TO ADJOURN or to Take an Intermission. The only sense in which these motions may be said to be subject to Quasi Repeal, lies in the fact that provision is made for re-assembling. They could not, in any event, be reconsidered, as after their adoption no motion can be received until the assembly is reconvened.

b. TO TAKE UP THE SPECIAL ORDERS. They may be postponed after disposing of one order.

c. TO LAY ON THE TABLE. A motion to Take from the Table may be made or re-

VI. QUESTIONS. 56–62.
VII. PRIVILEG. Q 63–66.
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introduced after another subject of business intervenes.

d. To Close Debate. If a subject is committed by vote taken after debate is closed, it will be opened for debate by all when the subject is resumed, even though the committee is discharged before reporting. The same is true of a motion passed under a close of debate and afterward reconsidered.

e. To Make a Special Order. To Discharge a Special Order may be moved or re-introduced after another subject of business intervenes.

f. To Commit. To Relieve a Committee from the further consideration of a subject, may be made or re-introduced after another subject of business intervenes.

g. To Open Nominations. To Close Nominations may be moved or re-introduced after another nomination is made

h. To Close Nominations. To Open Nominations may be moved or re-introduced after a vote is taken or a nomination withdrawn or declined.

i. The Resultant Questions, to Disagree and to Insist, may be annulled by the

motion to Recede after the measure is received from the other house. [74.]

j. To Take from the Table. To Lay on the Table may be moved or re-introduced at another Stage of Business or on another day.

k. To Discharge a Special Order. To make a Special Order may be re-introduced at another Stage of Business or on another day.

l. To Relieve a Committee. A subject may be recommitted at another Stage of Business or on another day.

54. Quasi Contracts. Some votes partake of the nature of contracts and may be termed Quasi Contracts. They cannot be reconsidered. They may be defined as follows:—

a. An Election, if not declined, is of the nature of a contract, as it is a tender on the part of the assembly, and a tacit acceptance on the part of the one elected. Hence a person who accepts an office for a stated term, and afterward resigns, is not released until the resignation is accepted by the assembly. It follows therefore that an election

VI. Questions. 56-62.
VII. Privileg. Q 63-66.
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IX. Inciden. Q. 76-84.
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XII. Com'tees. 102-103.
XIII. Recapitu. 109-11
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cannot be reconsidered. In some cases either an election or rejection may be the result. As both conform to the same rule, a reconsideration cannot take place in either case. In an election to membership or other privilege, or to office, if there is but one candidate who receives votes for the privilege or position, and that one fails of an election, he cannot again be a candidate for the same position at the same election; but if more than one are voted for, however small the vote either receives, he may again be a candidate at the next vote. This relates to persons only.

b. TRIALS. The principle that a person cannot be tried twice for the same offence, except by appeal [69], is recognized in the law of assemblies; hence in voting on guilt or penalty, there is an implied contract that the vote shall not be reconsidered.

c. ORDERS PARTLY EXECUTED. A measure adopted by the assembly, if not in reality a contract, is a Quasi Contract if anything has been done pursuant to it which the assembly cannot reverse.

55. Errors. It is a well-recognized principle of justice that errors should be corrected, yet there are exceptional cases, as it is an equally well-established principle that no person should be permitted to take advantage of his own error or wrong, to the prejudice of another. The result of the error, and its magnitude; whether the injury will fall exclusively upon those who are responsible for it; the difficulty of correcting it without injury to innocent parties; the intention of those who caused it; the object of the invaded law, and whether that object was defeated; these are some of the considerations which should influence an assembly in its decision. When the subject of correcting an error is introduced, the following general rules should be observed:

a. VOTING. If enough error in voting, or in the ruling of the president during a division, is shown, to change the result, a correction must be made. When the effect of the error, or irregularity, is definitely known, the proper way is to declare the result on the vote already taken with the correction; otherwise the vote must be retaken. It should

VI. QUESTIONS. 56–62.
VII. PRIVILEG. Q. 63–66.
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IX. INCIDEN. Q. 76–84.
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also be retaken if the tellers disagree. Action, pursuant to a vote erroneously declared, is void.

b. INFORMALITY. After the passage of a bill, or other measure, it is too late to raise a point of order in regard to the form of parliamentary proceeding through which it was adopted, but if there was a plain violation of constitutional or statutory law, it is proper for the assembly to correct it. [68.]

c. CONTRACTS. An organization incorporated under, or established by, a state law or constitution, can not be held to a contract made in violation, or without the sanction, directly or indirectly, of such law, as every one is bound to take official notice of the laws of the land. If, however, in a contract made with a person not a member, some special rule of the organization has been violated, such organization could be held to the contract.

d. QUASI CONTRACTS. In the election of a member to office, if it has been done illegally, it is void. In the election to membership, or office, of a person not a member, the rule is modified, for, unless there has been a

glaring disregard of the rights of the assembly or its members, it is too late to correct it after it has passed out officially. After a person has been inducted into office, or membership, it is too late to review the proceedings, unless it can be shown that in the election fraudulent or illegal means were used by, or with the knowledge or sanction of, the party so inducted. If, however, the induction to office occurs after notice of appeal, on the ground of illegality, to a higher tribunal, the office would be vacated by a decision sustaining the appeal. The case of a person admitted to membership can be reviewed only by preferring charges.

For Appeals see §§ 68 and 69.

VI. QUESTIONS. 56-62.
VII. PRIVILEG. Q 63-66.
VIII. SUBSID. Q. 67-75.
IX. INCIDEN. Q. 76-84.
X. DEBATING 85-90.
XI. VOTIN 91-
XII. COM'TEES. 102-103.
XIII. RECAPITU. 109-111
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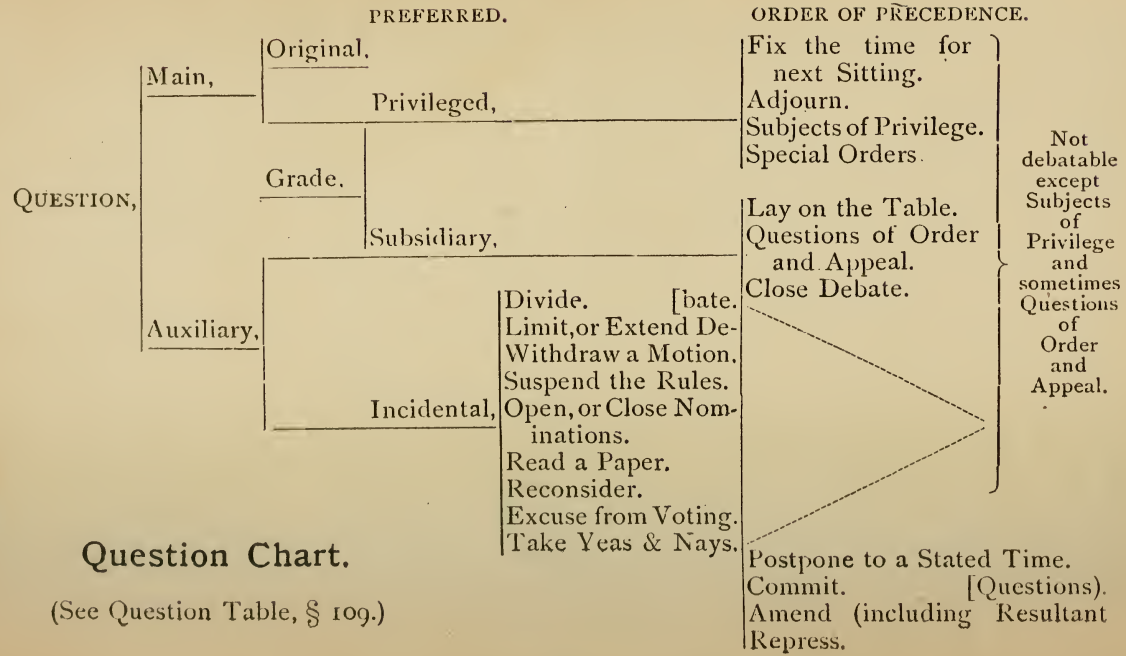

Question Chart.

(See Question Table, § 109.)

ARTICLE VI.

Classification of Questions.

56. Technical Terms. A subject proposed for the action of an assembly, is usually called a "motion," when stated from the chair, "the question," and when adopted a "vote." As some questions do not arise from motions, the term question is here used to include both.

57. Chief Divisions. Questions are divided into two general classes: Main Questions and Auxiliary Questions.

58. A Main Question is one presented independently of, and having no relation to, another pending question. Main Questions are of two kinds: Original and Privileged, though a Privileged Question is sometimes Original.

a. An Original Question is a Main Question presented when there is no other before the assembly. Original Questions in the form of Privileged and Auxiliary Questions [Art. VII, VIII, IX] are usually treated as though not original, except that to Fix the

VI. Questions. 56–62.
VII. Privileg. Q. 63–66.
VIII. Subsid. Q. 67–75.
IX. Inciden. Q. 76–84.
X. Debating. 85–90.
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XII. Com'tees. 102–108.
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XIV. Suggestion. 112–114.

Time for next Sitting, and to Reconsider are debatable when they are original. A few other Original Questions possess peculiarities. They are as follows, and are explained in the sections indicated in connection with each:

(1) *To Expunge Minutes.* [26, *g*.]
(2) *To Take an Intermission.* [64, *a*, (4).]
(3) *To Take from the Table.* [67, *c*.]
(4) *To Discharge a Special Order.* [71, c.]
(5) *To Relieve a Committee.* [72, *d*.]

b. PRIVILEGED QUESTIONS are Main Questions which, on account of their immediate importance, are entitled to *interrupt the proceedings, and receive attention first*, after which the business suspended is resumed at the point of interruption. They all take precedence of Subsidiary Questions. They are as follows, and rank in the order of their arrangement, none being debatable except (3):

(1) *To Fix the Time for next Sitting.* [63.]
(2) *To Adjourn.* [64.]
(3) *Subjects of Privilege* (Questions of Privilege). [65.]
(4) *To Take up the Special Orders* (Orders of the Day). [66.]

59. **Auxiliary Questions** are those which aid in the appropriate disposition of Main Questions. They are of three kinds: Subsidiary, Incidental, and Resultant.

a. SUBSIDIARY QUESTIONS are Grade Questions in general use, which aid in the proper disposition of Main Questions. They are as follows, and rank in the order of their arrangement, either being admissible when one or more which follow it are pending. (1), (2), and (3) are not debatable, (4) and (6) are subject to limited debate, while (5) and (7) open the Main Question to debate. (1), (4), (5), and (7) are applied only to Main Questions with all their appendages, but (2), (3), and (6) may be applied to other Subsidiary Questions separate from the Main Question. (1), (3), (4), (5), and (7), if lost, may be again offered at another Stage of Business, or on another day. (1), (2), (3), and (7) can not be amended:

(1) *To Lay on the Table.* [67.]

(2) *Questions of Order and Appeal.* [68.]

(3) *To Close Debate* ("Previous Question"). [70.]

(4) *To Postpone to a Stated Time.* [71.]

VII. PRIVILEG. Q. 63-66.
VIII. SUBSID. Q. 67-75.
IX. INCIDEN. Q. 76-84.
X. DEBATING 85-90.
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XII. COM'TEES. 102-103.
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XIV. SUGGESTION 112-114.

(5) *To Commit.* [72.]

(6) *To Amend.* [73.]

(7) *To Repress* ("Postpone Indefinitely"). [75.]

b. INCIDENTAL QUESTIONS arise from the condition or state of other questions, before which they must be decided, but they may be superseded by any undebatable Grade Question which ranks the one from which they arise. They are of equal rank, and can not be applied to themselves, or to each other, and hence can not be reconsidered. One must be decided before another is moved on the same question. When one is superseded by a Grade Question, the same, or another, may sometimes be applied to such Grade Question. Subsidiary Questions, except Questions of Order, can not be applied to them as separate questions. They rank debatable Subsidiary Motions. They can not be fully enumerated, for, like Subjects of Privilege, new ones are liable to arise. The chair decides as to these classes subject to appeal. Unlike other motions, they may be withdrawn by unanimous consent after their adoption. Except (1) and (2) by nominations, the latter

as to time [73, *e*] only, the following leading questions of this class can not be amended. They are not debatable. (3) and (4) require a unanimous vote. Except (8) and (9), and sometimes (5), they can not be moved after debate is closed. Most of them may be used as Original Questions, but as such none, except to Reconsider, would be debatable:

(1) *To Divide, or Take up Seriatim.* [76.]
(2) *To Limit, or Extend Debate.* [77.]
(3) *To Withdraw a Motion.* [78.]
(4) *To Suspend the Rules.* [79.]
(5) *To Open, or Close Nominations.* [80.]
(6) *To Read a Paper.* [81.]
(7) *To Reconsider.* [82.]
(8) *To Excuse from Voting.* [83.]
(9) *To Take the Yeas and Nays.* [84.]

c. RESULTANT QUESTIONS are Grade Questions arising from amendments between two houses. They are as follows, and are explained in § 74:

(1) *To Agree.*
(2) *To Disagree.*
(3) *To Recede.*
(4) *To Insist.*
(5) *To Adhere.*

VII. PRIVILEG. Q 63–66.
VIII. SUBSID. Q. 67–75.
IX. INCIDEN. Q. 76–84.
X. DEBATING 85–90.
XI. VOTIN 91–
XII. COM'TEES. 102–108.
XIII. RECAPITU. 109–11
XIV. SUGGESTION 112–114.

60. Preferred Questions are those which are entitled to presentation while another is pending, and, when so presented, to priority in being considered. A Privileged Question is at the same time a Main and a Preferred Question. To Amend is the only Preferred Question which can be applied to itself. Preferred Questions include Privileged, Subsidiary, Incidental, and Resultant Questions.

61. Grade Questions are such Preferred Questions as differ in rank among themselves, each from every other. Each is entitled to presentation when those of lower rank are pending, but if relating to the Main Question, it can not be presented while one of higher rank is pending. They embrace Privileged, Subsidiary, and Resultant Questions.

62. Reciprocal Questions are those which have the effect to annul, or partially annul, each other, without a regular repeal or reconsideration. The following are examples:

a. To Take up a Special Order, and to Postpone a Special Order.

b. To Make a Special Order, and to Discharge a Special Order.

c. To Lay on the Table, and to Take from the Table.

d. To Commit, and to Relieve a Committee.

e. To Open Nominations, and to Close Nominations.

f. To Agree, and to Disagree.

g. To Insist, and to Recede.

ARTICLE VII.

Privileged Questions.

[For general definition see § 58, *b.*]

63. To Fix the Time for next Sitting. This motion takes precedence of all other questions, but it can not be made in the absence of a quorum. It is in order even after the assembly has voted to adjourn, if the result of the vote has not been announced from the chair. As a Preferred Question it is not debatable, but is amendable as to time, such amendment being best made according to the rule for filling blanks. [73, *e.*] It may be reconsidered. The common form is, "That when the assembly adjourns, it shall

VII. Privileg. Q 63-66.
VIII. Subsid. Q. 67-75.
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adjourn to meet at" such a time. This motion is seldom used, except in legislatures. It is better, when practicable, to use it as an Original Motion, in which case it would be debatable.

64. To Adjourn. This motion, when simply to Adjourn, or, "That the assembly do now adjourn," supersedes all other questions, except the one last named. It is in order immediately after voting to Close Debate. When modified by time, it is not privileged, and must be treated as an Original Question. It can not be reconsidered, but, if lost, it can be moved again at another Stage of Business, or after progress in debate, or, if after the motion is negatived, there is found to be no business, it may then be renewed. No person should leave his place until the Sitting is formally declared closed. When not modified by time, it is not debatable, even though original. This motion is precluded when the hour for adjournment has been previously fixed.

a. FORMS. The following motions are forms of adjournment, and should be so treated, though differing in effect:

(1) *To Rise*, or, To Rise and report progress, and ask leave to sit again, is the form to use in Committee.

(2) *To Close*, or, That the Session be now closed, when it is desired to close the Session. [18.]

(3) *To Dissolve*, or, That the assembly be now dissolved, when it is desired to close the Assembly Term. [17.] When the full time arrives fixed by statutory law, the president dissolves the assembly without vote.

(4) *Intermission.* Though a form of adjournment, this can only be offered as an Original Motion. It may be amended as to time, but not debated, nor reconsidered. It may be renewed after another subject of business intervenes. When unlimited, it is at the option of the president not to exceed thirty minutes. Business is resumed at the point of interruption.

b. DELAY. A parliamentary or legislative day does not terminate at the midnight hour without an adjournment; and an adjournment does not necessarily take place at midnight on Saturday, nor at the hour for the next

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Sitting. If extended beyond the hour of the next Sitting, it would in effect, unless otherwise voted, supersede one Sitting.

c. BUSINESS INTERRUPTED by adjournment, can not be taken up at a time when it would be in order to renew. At all other times it is resumed, and has preference as unfinished business at the next Sitting. A member entitled to the floor, who yields it for a motion to Adjourn, or to Postpone, or who makes the motion himself, is entitled to the floor when the subject is resumed, whether the motion prevails or not, providing he reserves the right when the motion is made.

65. Subjects of Privilege (Questions of Privilege) affect the rights of the assembly, or its members individually, and demand immediate attention. These Subjects differ in rank among themselves according to their immediate importance. They are entitled to priority over all questions, except to Fix the Time for next Sitting and to Adjourn. In rare cases a speaker may be interrupted for their presentation. The same question might not be a Subject of Privilege in different kinds of organizations. The chair may decide what

questions of this kind to entertain, and their priority, subject to appeal. If a motion is entertained on a Subject of Privilege, it becomes a Main Question, subject to Auxiliary Questions, but does not yield to Special Orders. When the Subject of Privilege is disposed of, the Original Question interrupted is taken up at the point of interruption. The report of a committee appointed to consider a Subject of Privilege, is not privileged unless made so by vote. The following are some of the Subjects of Privilege, as recognized by the U. S. House of Representatives.

a. ASSAULT or disturbance in the House or galleries, or in the Committee of the Whole.

b. CHALLENGE for a duel.

c. RIGHT of a member to a seat.

d. REPORT of a Conference Committee.

e. CONSIDERATION of a vetoed bill.

f. ALLEGED MUTILATION of the journal by the Speaker.

g. OFFER TO BRIBE a member.

h. DIVULGING SECRETS of the House.

66. Special Orders (Orders of the Day). A motion to Take up the Special Orders

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ranks Subsidiary and Incidental Questions. It can not be made when another person has the floor. It requires no second. It can neither be amended, debated nor reconsidered. If carried, the Orders are disposed of in the order in which they are made, those established by law ranking those set apart by vote. Each Order becomes a Main Question, and may be postponed, or after one is disposed of, the remainder may be postponed together. A report ordered to be made on a particular day, becomes a Special Order for that day. When there is an Order of Business which includes Special Orders, they are taken up without vote and this question is not privileged.

a. A FIXED ORDER is a Special Order set down for a particular hour, and it comes up without vote, if not postponed, when that hour arrives, provided no other Privileged Question is before the assembly.

b. INTERRUPTIONS. When all the Orders are disposed of, the business interrupted is resumed. An Order interrupted by adjournment, is resumed at the next Sitting as a Special Order, and when that Order is dis-

posed of, the Original Question interrupted by it is resumed. An Order not taken up on the day specified is not an Order for the next day.

For Making and Discharging Special Orders, see § 71.

ARTICLE VIII.

Subsidiary Questions.

[For general definition, see § 59, *a*.]

67. To Lay on the Table ranks all other Subsidiary Questions, and is in order up to the time of taking the last vote under a motion to Close Debate. It yields to Privileged Questions. Questions of Order may be applied to it. It can not be debated, amended nor reconsidered, but it is subject to Quasi Renewal [52] and Quasi Repeal. [53.]

a. THE FORM is, "I move to Lay the Subject on the Table," or "that it be Laid on the Table," or "that it Lie on the Table." To lay on the table for a stated time, is not a Preferred Question.

b. THE EFFECT of an affirmative vote, is to remove the subject, with all its appendages,

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from before the assembly, until such time as it is taken up by vote, when it comes up in the same condition as to Preferred Questions and debate, in which it was tabled. Nothing can be laid on the table which the assembly has not the power to take up.*

c. To Take from the Table, or to consider a question laid on the table, is an Original Question, but does not yield to any Subsidiary Motion. It can not be debated, amended nor reconsidered. It may be made or re-introduced after another subject of business intervenes, but not when it would be in order to renew the subject tabled. A motion to Reconsider being laid on the table, may be taken up under this rule.

68. Questions of Order and Appeal yield only to Privileged Questions and the motion to Lay on the Table, and a Question of Order may be applied to these and all other questions, and to irregular proceedings

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*Motions to Reconsider [82], and to Amend the journal, are not exceptions, though if the chair has not announced the question to be on the adoption or approval of the minutes, the motion to Amend would then be an Original Question, and it alone would go to the table.

generally. It must be raised on the same day that the cause of it is presented, unless the subject is interrupted or deferred, or unless it is a question of law, as distinguished from a question of rule or order. It is decided by the president, subject to Appeal, unless the question is submitted by him directly to the assembly for decision. The president can not reverse a former decision of the chair or assembly and thus annul previous action. A second Question of Order can not be raised until the first is decided. Additional reasons are ground for renewing a Question of Order if it has not been decided by the assembly, but not for a second Appeal on the same question. Title to the floor is decided without the form of Appeal. [42.]

a. EFFECT. A member called to order does not thereby yield his title to the floor, but he must take his seat until the Question of Order is decided, when he may resume, unless he has transgressed the rules of decorum, in which case he can proceed only by vote or general consent.

b. AN APPEAL can be taken only on the decision of a question affecting the present

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state of business. An answer by the president to a mere interrogatory is not an official decision. The decision of the chair on a Question of Order raised while an Appeal is pending, or during a vote of the assembly at a time when the motion to Lay on the Table would not be in order, must be submitted to without Appeal, subject to revision after the pending question is decided. [55, *a.*] With these exceptions, an Appeal must be made on the same day that the decision is made, unless the subject is interrupted or deferred. The question giving rise to an Appeal, being withdrawn, the Appeal falls. It is not subject to amendment. The decision of an assembly furnishes a rule to be followed thereafter.

c. THE FORM for raising a Question of Order is, "Mr. President, I rise to a Question of Order." If the chair is in doubt as to the point, he will direct the member to state it, which the member should do in a voice and manner courteous toward the one interrupted, after which the decision is made. If submitted directly to the assembly, the form is, "Is the motion in order?" In case of Appeal, the form often used is,

"Shall the decision of the chair stand as the decision of the assembly?" A better form is, "Shall the decision of the chair be reversed?" as it is in reality a motion to reverse, and in whatever form it is put the decision is sustained unless a majority vote against it. The president, without voting, is to be counted in favor of sustaining his own decision, if his vote would change the result, provided he is entitled to a vote in the assembly. [91.]

d. DEBATE is not admissible unless an Appeal is taken, or the chair submits the question to the assembly, and even then a personal question of decorum is never debatable. A Question of Order or Appeal is not debatable, if introduced after it has been voted to Close Debate on the pending question, or if introduced pending the decision of an undebatable question. The president may debate an Appeal without surrendering the chair. He may give his reasons for the decision, even when the Appeal is not debatable. Should he ask the opinion of others, it should be given sitting, to avoid the appearance of debate.

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e. TABLING. A Question of Order or Appeal, being laid on the table, carries with it the Main Question.*

f. RECONSIDERATION. A Question of Order or Appeal decided by the assembly, may be reconsidered, but such action would not affect a measure previously adopted pursuant to the first decision.

69. Appeals to a Higher Tribunal, where one exists having appellate jurisdiction, may be made from the decision of the assembly, by any member on a question of order, law, or usage involving a principle which establishes a precedent, and should an appellant's membership with the organization cease be-

* The reverse of this is the practice in both houses of Congress, the usual mode of sustaining the chair being to table the appeal. This practice is sustained by rule in each house. It may serve a good purpose in a body, all of whose members are presumed to be well acquainted with its rules. As a parliamentary principle, however, it is not supported by analogy, as other questions laid on the table may be taken up by vote; nor by justice, as those not versed in parliamentary tactics might be led to support the decision without considering the real question involved. If the object sought is to cut off discussion, the proper motion is to Close Debate.

fore the final settlement of the question, the appeal would not thereby be dismissed. On a question of fact merely, none but parties personally interested can Appeal from the decision of the assembly.

a. THE APPELLANT must within fifteen days from the time the decision is rendered, give notice in writing to the clerk of the assembly, and accompany it with a copy of his ground of Appeal, and the argument to sustain it, if he uses any.

b. THE CLERK forthwith serves an attested copy thereof upon the president and other parties particularly interested as appellees.

c. THE APPELLEES must within fifteen days from the time of such service, serve upon the clerk their answer to appellant.

d. THE CLERK must at the expiration of the last named fifteen days, serve upon the president of the higher tribunal, a certified copy of all matters connected with the Appeal, including proceedings of the assembly, charges, evidence, reports of committees, notice, arguments, and answer.

e. MAILS. Evidence of paper's having been sent by mail, is deemed sufficient to prove

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service, and a reasonable time for their transportation through the mails must be allowed, in addition to the fifteen days provided as above. Neither party is allowed to take advantage of a failure of the mails.

f. THE HIGHER TRIBUNAL may, for good reason shown by either party, extend the time for service of papers. Its president, in an interim between Sessions, if authorized to make such decisions, decides the case and at the next Session reports it to the body over which he presides, whereupon his decision is approved or reversed.

g. FURTHER APPEALS may be made when there are two or more tribunals having appellate jurisdiction. The same form must be observed, the clerk of the first appellate body taking the place of the clerk of the assembly in which the appeal originated. Each decision in turn is binding until reversed by higher authority. Neither of the bodies having appellate jurisdiction, can be omitted in its regular order without its consent.

70. To Close Debate (Previous Question), takes precedence of the debatable Subsidiary Questions, and yields to Privi-

leged Questions, the Motion to Lay on the Table, and to Questions of Order. No Subsidiary Question can be applied to it except Questions of Order. It is not debatable, but it may be applied to any debatable question. It can not be reconsidered, but it is subject to Quasi Renewal [52] and Quasi Repeal. [53.] It is never an Original Question.

a. FORM. The object of the Previous Question, being entirely changed since its name originated, it is better that the form as well as the name be changed. The old form, still used by many, "Shall the Main Question be now put?" often leads to confusion. The modern form, hardly to be misunderstood, is, "Shall the debate now close on the whole subject?" or, "on the question of order," "appeal," "postponement," "commitment," or "amendment," as the case may be. A motion to close debate at a stated time, is an Incidental Question.

b. APPLICATION. A motion to Close Debate, applies only to a Question of Order or Appeal when either is pending, as when applied to a question of lower grade it cannot supersede the Question of Order or Appeal.

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Except as above, if not modified, it applies to the Main Question with all its appendages. It may be made to apply only to a Subsidiary Question under debate. Both being moved, the question is first taken on the whole, and that failing, then on the question under immediate discussion. It cannot be applied to a motion in the third degree separate from the secondary, as an amendment to an amendment.

c. EFFECT. Debate being closed on the whole subject, all further debatable Subsidiary and Incidental Questions, except to Excuse from Voting, to Take the Yeas and Nays, and (in case all the candidates decline) to Open and Close Nominations, are excluded, and without further debate, the vote is taken upon all the pending questions in the order of their precedence, which would be in the inverse order of their presentation. When applied to a Subsidiary Question alone, after the vote is taken upon that, the remaining questions are again open to debate. Debate being closed, it is not in order to read a paper relating to the subject nor to ask questions of the mover, except by unanimous

consent. A subject committed after debate is closed, or reconsidered after being acted upon under the vote to Close Debate, is reopened to debate by all when it again comes up.

71. To Postpone to a Stated Time, takes precedence of the motions to Commit, to Amend, and to Repress, but yields to the other Preferred Questions. If carried, it may be reconsidered, but if lost, it can not be. In the latter case, it may be again introduced at another Stage of Business or on another day. It may be used as an Original Question.

a. AMENDMENTS may be made changing the time [73, *e*] or making the subject a Special Order for the day to which it is postponed. It is not in order to postpone to a time known to be beyond the Session Period. If postponed to a particular hour of any day, it becomes a Fixed Order. [66, *a.*] If a Special Order would be liable to interfere with the Order of Business or the rules, it must be made by the vote required to suspend such rules or Order of Business. This would not be the case if the Order of Business provided for Special Orders.

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b. DEBATE is allowed only on the advisability of postponement and the question of time.

c. THE EFFECT is to postpone the whole subject to the time fixed upon, before which time it cannot be taken up without reconsideration. When the time arrives, it takes precedence of everything except Privileged Questions, unless there is an Order of Business, in which case it comes up under unfinished business, in the same condition as to Preferred Questions and debate, in which it was postponed. When several questions are postponed to different times and are not reached at the time stated, they are considered in the order of their maturity. If not considered during the same Session Period, they can come up only as new subjects. If a subject is made a Special Order, it becomes a Privileged Question.

d. TO DISCHARGE a Special Order or Orders, is an Original Question. It may be moved or re-introduced after another Subject of Business intervenes. After being discharged, an Order may be renewed for another time.

72. To Commit (to Refer), takes precedence of the motion to Amend, and to Repress, and yields to the other Subsidiary and all the Privileged Questions. It can not be reconsidered, but it is subject to Quasi Renewal [52] and Quasi Repeal. [53.] Debate is in order on the merits of the Main Question. This motion may be used as an Original Question.

a. AMENDMENTS. It is not in order, unless provided by rule, to move instructions until it is decided to Commit. If a motion to Commit with instructions is entertained, it is not divisible. The following is the proper order of proceeding in case amendments are offered. It is seldom that a question involves all the propositions contained herein. If it is proposed to refer part of a subject to one committee and part to another, the subject must be divided for the purpose of deciding to which committee each part shall be referred. (2) to (9) inclusive, are so far of the nature of filling blanks as to require no second. The motion to Commit, is not complete until such of the questions named below as are presented are settled, though the adop-

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tion of a motion to Close Debate, would cut off instructions not previously proposed. They are arranged according to natural sequence. The group (2) to (5), rank as here arranged, that from (7) to (9), is so arranged as to avoid the seeming personality of voting against an appointment by the chair and to avoid the trouble of a ballot when not required:

(1) *Shall it be Committed?*

(2) *To the Committee of the Whole?*

(3) *To one of the Standing Committees?* These have precedence in the order of nomination.

(4) *To the Special Committee* which has considered it? if to be recommitted. This is the rule unless otherwise ordered.

(5) *To a New Special Committee?*

(6) *Of what Number?* Three, if not otherwise provided.

(7) *Appointed by Open Vote* in the order of nomination? No member shall nominate more than one, except by unanimous consent. When only the required number is named, the vote may be taken collectively.

(8) *Appointed by Ballot*?

(9) *Appointed by the Chair?* This is the method when no other is provided.

(10) *What Instructions* (if any)? They may be instructed to report at a future Session, but not at another Assembly Term. They may be instructed (by the same vote required to suspend the rules) to report at any time (meaning when there is nothing else before the assembly), and such instruction carries with it the right to consider the matter when reported. If ordered to report at a stated time, the report becomes a Special order. A Committee of Conference can not be appointed or instructed, except when the papers are before the assembly. If the committee dissolves, or adjourns to a time beyond the Session Period, they may be instructed to meet again. If remiss, they may be instructed when to report. Instructions may be divided, if divisible according to § 76.

b. APPOINTMENTS. Appointing the mover and often the seconder of a proposition, is quite customary but not obligatory. When the assembly has decided on a measure, and refers it to a committee for action or for the purpose of amendment, the friends of the measure only, should serve on the committee. Should others be appointed, they should

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frankly state their opposition and be excused by the chair. When a member is fully eligible to serve, the assembly only, can excuse, even though the chair appointed. If on two committees, a member cannot be required to serve on a third.

c. DISCHARGE. When not appointed for a specific time, a committee, or any member of it, may be discharged at any time by vote, or a committee may be relieved from the further consideration of a particular subject [53,*f*], which would be a discharge in case of a Special Committee.

73. To Amend, yields to all other Preferred Questions, except to Repress. An amendment may be made relating to a different subject, or changing its nature. A substitute can be entertained only as an amendment. "To strike out the enacting clause," can be entertained only as a motion to Repress: hence, it yields to all other forms of amendment. The amendment only is debatable.

a. APPLICATION. The following can not be amended: to Adjourn, to Take up the Special Orders, to Lay on the Table, Questions of Order and Appeal, amendment to an

amendment, to Repress, to Take from the Table, vetoed bills, reports of Conference Committees, Resultant Questions, and—except to Divide, and to Limit, or Extend Debate—Incidental Questions.

b. A SECOND AMENDMENT can not be entertained until the first is disposed of, unless it is an amendment to the first amendment; hence, if the first amendment is to strike out certain words, and a second amendment prevails, striking out part of the words named in the first amendment, such words would stand in the original subject.

c. A THIRD AMENDMENT can not be entertained in the form of a substitute or otherwise, but it is admissible to state in debate that in case a pending amendment is defeated, a certain other amendment will be offered. This rule also applies when the motion to Amend is offered as an Original Question.

d. FORM. In this country, the question on striking out is put in the regular form, and not, "Shall the words stand?" In amending by striking out, or inserting, or both, the proposition is first read as it stands, then the words to be stricken out, or inserted, or both

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(the former first), and lastly, the passage as it will stand if amended.

e. In Filling Blanks with number or time, the clerk takes down all the nominations, after which the question is put first on the largest number or longest time, and voting is continued until a majority vote is obtained. The same rule applies to names, except that they are voted on in the order of nomination. One name or number can not be substituted for another by amendment, except as above. In filling blanks, or making other nominations, no second is required.

f. Numbers of Sections, or divisions of a paper, should be altered by the clerk without vote, when necessary to conform to amendments adopted by the assembly, but he must not alter the consecutive arrangement.

g. To Strike out, and Insert, or to strike out, or to insert, is superseded by a motion to amend the part it is proposed to strike out or insert. It can not be moved to insert words stricken out (of a Main Question), or part of them, or to strike out words inserted (in a Main Question), or part of them, but it may be moved, either to strike out

or to insert the same words, or part of them, *with others.* To strike out and insert is not divisible. If negatived, it may be moved—

(1) *To strike out same words.*

(2) *To strike out same words, and insert others.*

(3) *To strike out same words, and insert same with others.*

(4) *To strike out same words, and insert part of same with others.*

(5) *To strike out same words with others, and insert same.*

(6) *To strike out part of same words with others, and insert same.*

(7) *To strike out other words, and insert same.*

(8) *To insert same.*

h. MODIFICATION AND RENEWAL. Words which the assembly has added, or refused to strike out, or part of them, can not thereafter be struck out by themselves, but they may be struck out with other words, if the connection makes substantially a different proposition from that acted upon ; and with same proviso, words rejected or struck out, or part of them, *with others,* may be inserted.

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i. DOUBLE MOTIONS. To strike out words in one place, and insert the same or other words in another place, can not be entertained as one motion. Two paragraphs may be united by rejecting one, and incorporating it with the other when that is reached. One may be made into two, by striking out one part, and afterward making it into a distinct paragraph; or one may be transposed by striking it out where it stands, and by a separate vote inserting it in the desired place.

j. INCONSISTENCIES. An amendment to a paper, can not be ruled out by the chair because inconsistent with an amendment previously adopted, though it should be, if inconsistent with the laws or rules of the assembly.

k. RULES. In the absence of a special provision, the amendment of rules and standing resolutions would be governed by § 51. If provision is made for amending the former, and not the latter, the latter may, by conforming to such provision, be made part of the rules without violence to § 51, after which time they could be amended like other regular rules.

74. Concurrent Amendments. Amendments between two houses are often passed by a process quite different from that already described. They are not incorporated with the bill until passed by both houses.

a. RESULTANT QUESTIONS are named below, and are arranged in their order of precedence, the motion most favorable to the passage of a bill, having preference. Either (1) or (2) being lost, the other is implied, but before action, it is proper to offer amendments so as to perfect it as far as possible before adopting or rejecting. Either (3) or (4) being lost, the other is implied, but a motion to Adhere may follow immediately a vote, or a decision to Insist. Resultant Questions can not be reconsidered. All of them are subject to Quasi Renewal or Quasi Repeal. They are as follows :

(1) *To Agree.*
(2) *To Disagree.*
(3) *To Recede.*
(4) *To Insist.*
(5) *To Adhere.*

b. TO CLOSE DEBATE. The adoption of this motion, does not exclude a Resultant

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Question of higher rank than one pending, but it must be decided without debate.

c. EXAMPLE. A bill may be passed by either house and sent to the other, except where the laws provide which house shall originate such a bill. For example, the house which originates may be called the first house. The second house may pass it with amendments. The first may disagree to the amendments. The second may insist on them. The first may insist on their disagreement. The second may adhere to their amendments. The first may adhere to their disagreement. A house refusing to adhere, may then either recede or insist. Either house may repeat the vote to Insist as long as the other does, but when one adheres, the other must adhere or recede. A vote to Recede from a disagreement, is not equivalent to an agreement, for the assembly may recede and amend. A house may pass over the term of insisting, and adhere, but it is not considered respectful. It is usual to have at least two conferences before adherence.

d. LIMITATION. Neither house can recede from, nor insist on, its own amendment with

an amendment, as it can not on its own motion, amend what it has adopted. Nothing which has been adopted by both houses, can be amended, except for the purpose of making it consistent with amendments agreed upon by both houses. Either house may agree to an amendment with an amendment, and the other may agree to that amendment with an amendment, as the part agreed to becomes part of the bill, and the part disagreed to is subject to future action. No amendment can be made in considering a vetoed bill.

e. SUPPRESSING. In case an amendment adopted by one house, invades the privileges of the other, the latter may suppress the bill; otherwise, it must be sent from house to house until it passes, or until both houses adhere.

f. CONFERENCE. At any time after a disagreement by one house, and before an adherence by both houses, a conference [105] may be asked. The request can be made, or the committee instructed, only when the house is in possession of the papers. The report can not be amended. The motion to ask a conference, takes precedence of a motion to Insist.

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75. To Repress (to Postpone Indefinitely). The former is the better term, as its meaning is apparent. This motion takes precedence of the Main Question only, and yields to all other Preferred Questions. It can not be amended. It leaves the merits of the Main Question open to debate. Its effect, if adopted, is to remove the Main Question from the assembly, and prevent its renewal during that Session Period, except by reconsideration. [82, *e.*] If lost, it can not be reconsidered, but it is subject to Quasi Renewal. [52.] To strike out the enacting clause, is a motion to Repress. To Repress is not used as an Original Question.

ARTICLE IX.

Incidental Questions.

[For general definition, see § 59, *b.*]

76. To Divide, in strictness requires a vote, but this formality is usually omitted by unanimous consent. Propositions containing two or more names, may be so divided that each may be acted upon separately; otherwise no motion can be divided by vote unless each

part forms an independent proposition, capable of being acted upon if all the others fail. The parts are put to vote in the order of their arrangement, unless there is good reason for a variation. For example, if a motion is made to Lay on the Table and to print, the motion to print must have preference; for, if the motion to table prevails, the motion to print will be precluded. A member moving to Divide, should state the manner of division. Other modes may be named, the vote on the different plans of division to take place in the order of nominations. It may be applied to instructions to committees and to amendments. If resolutions are offered, part of which require a larger vote than the others, it is the duty of the president to divide them.

a. To Take up Seriatim, is a form of division in which each paragraph is considered separately. The preamble and title are considered after the other parts, the title last. It is exceedingly rare that objection is made to this form of division, as it is by far the best method when amendments are to be offered. The whole paper is usually read by the clerk, or if a report, by the chair-

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man of the committee, then from the chair by sections, a pause being made after each for amendments. When none are offered, the reading proceeds. After the title is fixed, the paper may be adopted as a whole. Until adopted as a whole or by paragraphs, it is in order, though not methodical, to return to a former part for amendment.

77. To Limit, or Extend Debate. This question may be so made as to change the limit of time for each speaker, or to limit the whole time to be occupied in discussing a particular question. It may be so qualified as to preclude the Subsidiary Motion to Close Debate. It can be amended as to time only. [73, *e*.]

78. To Withdraw a Motion. The mover may withdraw or change his motion by suggestion or otherwise, and the seconder his second, at any time before it is stated from the chair, but not afterward, except by unanimous vote or consent. A nomination may be withdrawn in accordance with this section, by the party making it.

79. To Suspend the Rules, requires a unanimous vote or consent. It may be gen-

eral in its effects, or for a special purpose. The form is, "To Suspend the Rules which interfere with," etc., or it is better to designate the rule or rules. It can not be amended. Unless connected with business immediately before the assembly, it can not be moved while the assembly is acting under a suspension of the rules, nor while it is considering a Special Order made such under a suspension of the rules. The action of a constitution or laws can not be suspended, neither can a parliamentary principle. The suspension of a rule, brings the Parliamentary Law into action. The rules being suspended for the purpose of allowing a proposition to be introduced, it can not be modified before being submitted. A rule being violated, any member may require its enforcement. It is then too late to alter or suspend it. A set of rules having been adopted, containing a provision for suspending them by a two-thirds vote, that power would not thereby extend to standing resolutions and votes. For example, the action of a vote to adjourn at a certain hour, or to close debate at a stated time, could be annulled only by reconsideration, unless suspended by unanimous vote or consent.

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80. To Open, or Close Nominations. Nominations may be closed by vote, but after being opened, it would not be in order to make or renew the motion to close them, until after another nomination is made. After being closed, it would not be in order to make or renew the motion to open them, until a vote is taken or a nomination withdrawn or declined. These motions are in order in filling blanks or electing officers, or in making other nominations, but by general consent, nominations are usually opened and closed by the chair.

81. To Read a Paper. No member can be compelled to vote upon a paper until it has been once read, and by vote or unanimous consent, it may be read as often as needful for the information of a member. To refer to written notes in addressing an assembly, is admissible, but the reading of a member's speech, or of any other paper referring to the subject under consideration, can be permitted only by vote or unanimous consent.

82. To Reconsider. This motion requires a majority vote, even though the motion it is proposed to Reconsider, requires

less or more than a majority. It is seldom used as a Preferred Question, except as applied to amendments and Questions of Order or Appeal decided by the assembly.

a. In General Application, it is subject to the following restrictions. A motion can not be reconsidered—

(1) *If Lost*, and subject to renewal or Quasi Renewal. [52.]

(2) *If Adopted*, and subject to repeal or Quasi Repeal. [53.]

(3) *If it is a Contract* entered into, or if it is a Quasi Contract. [54.]

(4) *If it has been Reconsidered* under a veto. [74, *d*.]

(5) *If a Prior Motion to Reconsider* it, has been entertained and not withdrawn. If on reconsideration, a motion is materially changed, it becomes practically a new question and may be again reconsidered.

(6) *If the Yeas and Nays* were called, unless moved by a person who voted on the prevailing side.

(7) *If it is an Incidental* [59, *b*], *or Resultant* [59, *c*] *Question.*

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For an enumeration of motions which can not be reconsidered, see Table, § 109.

b. DEBATE is allowed on this motion only when it is an Original Question. If the motion prevails, the question on being reconsidered, may be debated by any member as if just introduced, even though it passed under the motion to Close Debate.

c. ITS EFFECT as an *Incidental Question*, when adopted, is to bring the question to be reconsidered before the assembly in the condition it was in just before it was adopted. Its *effect* as an *Original Motion*, when adopted, is the same, except that amendments and other Preferred Motions previously acted upon, may be again presented without separate votes to Reconsider. A bill requiring three readings, being reconsidered after passage, its third reading would be before the assembly.

d. DEFERRING. When deferred as an Incidental Question, by being tabled, postponed, or committed, it carries the Main Question with it. As an Original Question, the effect of the motion it is proposed to reconsider, is suspended until final action, or until it is too late for such final action. [82, *a*, 2.]

e. Repressing. A vote to Lay on the Table, can not be reconsidered, because it is subject to Quasi Repeal [53], but a motion to Reconsider may be taken up by vote as often as it is tabled, and business is not thereby complicated. With the motion to Repress it is otherwise, for it is not in order to move to Reconsider the vote by which a motion to Reconsider was repressed, as this would complicate business as much as to Amend an amendment to an amendment to an Original Question.

83. To Excuse from Voting. It is better to defer this motion until the assembly is ready to vote. It may be moved after debate is closed, but not after the negative is put, in dividing the assembly on the question upon which the excuse is sought. It can not be applied to Incidental Questions, to motions to Fix the Time for next Sitting, or to Adjourn.

84. To Take the Yeas and Nays. Like the last, it is better to defer this motion until the assembly is ready to vote. It may be passed after debate is closed, but not after the negative is put on a division. It can not

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be applied to Incidental Questions, to motions to Fix the Time for next Sitting, or to Adjourn. This motion is appropriately used in representative bodies, and it may also be used in other organizations. It is usual to provide by rule that it may pass by a one-fifth vote, but in the absence of a rule it requires a majority.

ARTICLE X.

Debating.

85. Debatable Questions. Most Main Questions are debatable. The Resultant Questions, and the Subsidiary Questions to Commit and to Repress, leave the merits of the Main Question open to debate. It is not so with Questions of Order and Appeal, to Postpone to a Stated Time, and to Amend, though with the last named motion pending, it is often difficult to draw the line.

86. Questions not Debatable are to Make a Special Order, to Take an Intermission, to Take from the Table, to take up particular items of business, questions

requiring unanimity, Incidental Questions, Privileged Questions (except Subjects of Privilege), to Lay on the Table, to Close Debate, and sometimes Questions of Order and Appeal. [68, *d*.]

87. Limitations. The time each member is allowed to speak on one question, is limited to ten minutes, and he is permitted to debate but once upon it, though the debate should continue several days, or the question be tabled or postponed. These limitations may be modified by unanimous consent, or when all have spoken who wish, by majority vote. These modifications may be made, unless expressly excluded, even though there is a special rule extending or abridging these limits. After a member has made some progress in debate, and no other has claimed the floor, it is too late to call him to order for speaking a second time. The mover of a proposition, or the member making a report, is often permitted to speak a second time to conclude the debate, but this is a matter of courtesy, and not of right. Making a motion, not being considered debate, a member who has spoken may afterward, if his sense of

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propriety permits, move to Close Debate. The following are for the purposes of this section regarded as new questions, and hence are open to debate by all.

a. A DIFFERENT READING OF A BILL.

b. A MOTION UNDER RECONSIDERATION.

c. A SUBJECT REFERRED and reported back, though in its original form.

d. ALL PREFERRED QUESTIONS.

88. Explanations of a material part of his speech, or of matters of fact deemed of importance to the assembly, may be made, debate being avoided, by a member who has spoken to the question.

89. Interruptions. A member in possession of the floor, is not to be interrupted by calls for the "Question," motions to Adjourn, to Close Debate, to Take up the Special Orders, or by explanations of members. If he yields to the latter, he relinquishes the floor altogether. If he yields it for a motion to Adjourn or to Postpone, or makes the motion himself, he is entitled to the floor when the subject is resumed, whether the motion prevails or not, providing he reserves

the right when the motion is made. He is also entitled to the floor when the subject is resumed, after being interrupted by adjournment when the hour previously fixed upon has arrived, or by Questions of Order and Subjects of Privilege, except as provided in § 68, *a*. A speaker occupying the floor by unanimous consent, or for the purpose of stating a point of order, has no right to yield it to another member.

90. The President is entitled to precedence in speaking. He may state facts within his knowledge, and should inform the assembly on points of order, as they arise. He can not debate questions from his place, except on appeal, nor should he interrupt others who are proceeding in order.

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Voting Chart.

CLASS.	SYSTEM.	KIND.	METHOD.
VOTING BY Approximating,			Responding.
			Showing Hands.
Counting,	Dividing,		Rising.
			Separating.
			Passing in File.
	Taking Yeas and Nays,		Calling.
			Proclaiming.
	Balloting,	Paper,	Slip Balloting.
			Close Balloting.
		Ball,	Single-Box Balloting.
			Double-Box Balloting.
	Viva Voce Voting,		Naming.
Quasi Voting,			Consenting.

ARTICLE XI.

Voting.

[For Errors in Voting, Elections, Contracts, etc., see §§ 54, 55.]

91. Right and Duty. Unless absent by leave, a member not present when the question is stated from the chair, can not vote. A person on duty as a member of a Conference Committee, is considered as having leave of absence. A member can not vote when his private right, distinct from public interest, is concerned. [This point is more fully explained in § 9, *c*.] Quasi members [11] are not usually allowed to vote. The president, if a member, may vote or not, as he chooses, but it is not usual for him to do so, unless it would change the result, hence, he may vote after all others have voted, but if by ballot, he must do so before the ballot is declared closed. If on a division the affirmative receives a majority of one, which would otherwise carry the measure, he may vote and defeat it. Except as above, all members present and in good standing [37], must vote on a

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question taken by yeas and nays, unless excused [83] by vote. When unanimous consent is desired, objecting thereto is in effect voting.

92. A Majority Vote (more than one-half of those voting) in the affirmative, is required, or the proposition is defeated. It requires a unanimous vote to Withdraw a Motion, Suspend the Rules, Expunge Minutes, Take up Business out of its order, and in most cases to waive formality. Some motions by special rule require more, and others less than a majority. [112, *c.*]

93. Changing a Vote in voting by yeas and nays, is admissible, but not after the result is announced from the chair, even though the vote was given under a misapprehension on the part of the voter. Votes can not be changed in voting by any other method, unless from some cause the vote is retaken. For errors in voting, see § 55 *a.*

94. Preliminaries. When an assembly appears to be ready to vote on a question before it, the president inquires whether the assembly is ready for the question, giving opportunity for debate if the question is

debatable, and whether it is or not, for questions of higher rank. Should no member rise, the vote is proceeded with. In affirmative and negative voting, it is not a full question until the negative is put; hence, Preferred Motions and debate are in order up to the time of putting the negative. When the subject is reopened after the affirmative has been put, it must be put again, and if desired by any member, the question must be restated.

a. TELLERS. Counting, when not done by the president, is done by tellers appointed by him from both sides of the question, when two sides appear to be represented, or by regular officers of whose duties this is a part. In large assemblies, each teller should be assigned a section of the house, and should report separately, the clerk taking down the numbers. When tellers are voters, they should not count themselves on a division, but on reporting, should announce upon which side they wish to be counted, the clerk making the additions. No person should act as teller in canvassing votes for an office for which he is in nomination.

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b. ORDER. The rule against moving about the room, is to be particularly observed while voting. Members are not permitted to stand around the clerk's desk during the taking of the yeas and nays. Decisions on Questions of Order must stand without appeal until voting is concluded. [68, *b*]

95. Forms. Voting may be divided into three classes. It may be done by Approximating, Counting and Quasi Voting. Approximating has two methods, Responding and Showing Hands. Counting, results in entering on the journal the number voting on each side. It is divided into four systems, Dividing, Taking the Yeas and Nays, Balloting and Viva Voce Voting. Dividing has three methods, Rising, Separating, and Passing in File. Yeas and Nays are taken by two methods, Calling and Proclaiming. Balloting is of two kinds, Paper and Ball. Paper balloting is conducted by two methods, Slip balloting and Close balloting, and either may be unanimous. Ball balloting may be conducted by two methods, Single-Box and Double-Box, and either may be Collective.

96. Approximating, includes the methods used when it is not deemed necessary to count and record the votes

a. RESPONDING. The question being stated or read, the affirmative is first put by the chair in substance as follows: "All in favor will say aye." Those favorable to the motion at once respond "Aye." The negative is then put as follows: "All opposed will say no." The opponents of the measure then respond "No." The president then announces the vote carried or lost, as the case may be.

b. SHOWING HANDS. This method differs from the last only in raising the right hand, first by those on the affirmative side and then those on the negative, instead of responding.

97. Dividing, takes place when the chair is in doubt as to the result of a vote by Approximating, or having decided, when some member rises and expresses a doubt after the vote has been once taken, or twice at the option of the president. In voting by this system, the number voting on each side, is to be entered on the journal. In case a division is not called for immediately, and a new motion is entertained, or a member enters

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who was not present when the vote was taken, it is then too late to question the decision of the chair. *a* is the most convenient method for small and *c* for large assemblies.

a. RISING. In voting by this method the members rise in their places as directed by the president, first those voting in the affirmative, and then those in the negative, standing in each case until counted by the president or tellers, and until the number is announced from the chair.

b. SEPARATING. In voting by this method the members take places on different sides of the house, those voting in the affirmative on the left of the president and those in the negative on his right, all standing until counted by the president or tellers, and until the vote is declared.

c. PASSING IN FILE. With this method two tellers take position in front of the president's chair and count the members as they pass singly between them, first those voting in the affirmative and then those in the negative.

98. Taking the Yeas and Nays. This system is used pursuant to a rule or vote

[84], and results in recording the vote of each member. At the close of each vote and before it is announced, it is often read over for correction. Absentees, and those present and not voting [83], may also be entered on the journal.

a. CALLING. In this method the clerk calls the names of members in alphabetical order, and repeats the answer of each as he places a figure in pencil at the left of the name if yes, or at the right if no. The figures on each side should be in numerical order, as the last two figures, one on each side, will then represent the vote.

b. PROCLAIMING, is a more expeditious method for organizations, a small portion of whose membership is in attendance at any one time. Each member rises in turn and "proclaims" his name and vote, both being taken down by the clerk who at the same time repeats each answer.

99. Balloting, is done pursuant to a rule or vote. When all appear to have voted, the president inquires, "Have all voted who wish?" when, no response being made, he declares the ballot closed, after which no more votes

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can be received. There can be no election on an informal ballot, even by a majority vote.

a. PAPER BALLOTING. This takes place when the balloting is not affirmative and negative. Each member writes his vote on a paper which is deposited in the ballot box. All the votes cast for eligible candidates, whether nominated or not, are legal votes, and all blanks and those for persons not eligible are illegal. A majority of the legal votes is necessary to a choice. Each candidate is entitled to all the votes which are manifestly intended for him. Two or more members bearing the same surname being eligible, and but one of them in nomination, that one would be entitled to all the votes bearing that surname alone. A like distinction is made when only one of the parties bearing the same name is eligible, but when two or more with the same name, stand on the same footing, neither would be entitled to such votes though they would not be illegal. In case of an election, the president declares it, otherwise a new vote must be taken. This kind of balloting may be used for selecting the place of meeting, and for other purposes.

(1) *Slip Balloting.* By this method each member writes his vote on a slip of paper and deposits it in the ballot box as it is passed round by the tellers, who after the ballot is closed, canvass the vote and report, first, the whole number of votes cast; second, the number of legal votes cast; third, the number necessary to a choice; fourth, the number of votes cast for each person, legal votes taking precedence; and fifth, the number of blanks. Ballots with the name written differently, though intended for the same person, must be reported separately for the ruling of the chair or assembly.

(2) *Close Balloting.* By this method each ballot is folded and handed to the tellers who are seated at a table and deposit the votes in a box as fast as received. In canvassing, the tellers read each vote aloud, the clerk taking them down, after which he reports in the form given for tellers in the last paragraph. When two or more ballots are folded together and cast by one person, they are excluded.

(3) *Unanimous.* When there is but one candidate in nomination, a teller may, by unanimous vote, be instructed to cast the ballot of the assembly for that candidate.

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b. BALL BALLOTING. Affirmative and negative balloting, as in the election and expulsion of members of societies, is usually done by ball instead of paper ballots. Each member deposits his own vote, and the box is usually inspected by the president as well as by the tellers, both before and after voting. In the absence of ball ballots, paper may be used in this kind of voting.

(1) *A Single Box* has but one aperture. Either of the following are used respectively for affirmative and negative ballots: white balls and black balls, balls and cubes, or white balls and black cubes.

(2) *A Double Box* has the left hand side white or labeled "Yes," and the right hand side black or labeled "No," and an aperture in each. The balls are uniform. The voter extends his palms that the tellers may see that he holds but one ball, then to make his ballot a secret one he brings his hands together in such manner that it is not known in which he leaves the ball, and in depositing it he places a hand over each aperture.

(3) *Collective.* To save time the president may order a ballot on two or more candidates

for membership, at one vote, but one or more negative votes would render such ballot void and a new one necessary. This course may be pursued with either a single or double box.

100. In Viva Voce Voting the roll is called and each member rises and names the candidate of his choice.

101. Quasi Voting. Giving general (unanmous) consent is equivalent to voting It is permitted in routine business to save time. It is explained in § 49.

See Elections, § 55, *d*, and Nominations, § 80.

ARTICLE XII

Committees.

102. Kinds. Committees are of five kinds; viz., Committees of the Whole, Standing, Special, Conference, and Joint. The last four are often called Select Committees to distinguish them from Committee of the Whole. Boards of managers, Trustees, and Directors, usually act in the capacity of committees. They are often also of the nature

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of representatives. Committees of the Whole are, for convenience, treated after the others in this article.

103. Standing Committees are appointed for a class of subjects, and usually for a stated term. They are governed by the same rules as Special Committees, except that they are continued for other purposes, after making their report on matters referred to them. They are often vested with authority to originate business within their jurisdiction.

104. Special Committees are those appointed for a special purpose.

a. THE CHAIRMAN may take part in the proceedings by voting and debating. He acts as clerk, if none is appointed, but the committee may appoint to that position another member, or a person not a member of the committee. The first one named on a committee, is temporary chairman [4], and in his absence, the next, and so on.

b. MEETINGS. When not named by the assembly, the time and place are selected by the committee. None, however, but Conference and Joint Committees, may sit without

permission during a Sitting of the assembly, but if sitting when the assembly is called, a committee should immediately rise. The first meeting is called by the chairman, but if he is absent, or neglects it, any two members may call it. Other meetings, if not provided for in committee, are called in the same manner. A quorum having been present, and a meeting regularly adjourned, it is not necessary, though advisable, to notify absentees of the time to which it was adjourned.

c. A QUORUM consists of a majority, except where the committee is charged with matters of a judicial nature [108], in which case all must be present, unless both parties interested consent directly, or by their representatives, to proceed with a majority.

d. SPECTATORS. Members of the assembly in good standing, can not be excluded from the committee meetings while testimony is being taken, or other investigation is being conducted, unless the committee is charged with secret business. Spectators can not vote, and they may be required to take separate seats, or to leave, when the committee is prepared to deliberate.

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e. SUBCOMMITTEES may be appointed to report to the committee on divisions of the subject.

f. PROCEEDINGS in committee, are to be conducted under general parliamentary principles, but by unanimous consent, formality is often waived [49]. Action can be taken, however, only when the committee is regularly assembled, as separate agreement is not legal action. A vote can not be reconsidered in committee.

g. AMENDMENTS. A committee can not change, except by special instruction, that which the assembly has adopted. Neither can they change the subject or title of the matter referred to them. These can be changed only by the assembly. With these exceptions, the committee has full power over the matter, and may report adversely. A paper referred must be returned without being altered or defaced in any manner. All amendments, even those ordered by the assembly, must be added on a separate paper, referring to paragraph, line, and word in the original, or if many changes are made, they may be embodied in a new draft. An audit-

ing committee to whom a financial report is referred, may, however, indorse a report of approval on the back of such financial report.

h. THE REPORT, if expected to carry weight, should contain the evidence or argument upon which the recommendations are based. It should be in writing, and contain distinct propositions for adoption, in the form of resolutions, or otherwise separate from the argument. In case evidence is taken at length and submitted, it should form a separate part of the report. The chairman may sign the report in behalf of the committee, but it is better for all to sign who approve it. A minority report may be made, which may come up in the assembly as a substitute (amendment) for the regular report.

i. DECORUM. Insulting language, or disorderly conduct, must be recorded in the same manner as in the assembly [33], but they can only be reported to the assembly for its action.

j. CLOSE. The committee rise on completion of their business. If it has named no one to present the report, that duty devolves upon the chairman. The committee is dis-

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charged by the reception of the report, but may be re-appointed by vote of the assembly. If a subject is recommitted, all papers are returned to the committee, the subject stands in the same state as when first referred, and an entirely different report may be made out.

105. A Conference Committee is a form of select committee. It consist of two committees,—one appointed by each coördinate legislative branch, each acting separately by a majority vote. It is their duty to confer together, and agree, if possible, on such amendments as will be acceptable to both houses. When they can not agree, or when their report is not acceptable, a new committee is usually appointed.

106. A Joint Committee is constituted by the appointment of members from each house. They act as one committee, and may be instructed by either house. It may be either special or standing.

107. Committees of the Whole consist of all the members of the assembly.

a. THE PRESIDENT is relieved on the vote to Commit, or that the assembly do now

resolve itself into a Committee of the Whole, for the purpose of considering some particular subject, but he should remain in the room to resume his position in case the committee should rise, or break up in disorder. If a message from the Executive, is announced, he should take the chair long enough to receive it. If a member of the assembly, he may take part in the proceedings of the committee. All other officers remain at their posts, the duties of the clerk, however, usually falling upon an assistant.

b. THE CHAIRMAN, if appointed by the president, occupies the chair until the close of the Sitting, unless the committee elects another; but if elected by the committee, he continues to serve during all the Sittings for the consideration of the same subject, until it is reported to the assembly, which report ends the labors of *that* committee. It is not improper, though unusual, to make the president of the assembly, chairman. In legislative bodies, the chairman usually takes his place at the clerk's desk, instead of the chair of the assembly.

c. A QUORUM consists of the regular assembly quorum. Whenever a less number is

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present, the committee should by motion rise and report to the assembly the cause. If it is then ascertained that there is a quorum present, and the assembly does not adjourn, the committee, without vote, immediately resumes its sitting.

d. PROCEEDINGS are governed by § 108, and subsections *g*, *i*, and *j* of § 104. They are otherwise like the proceedings of the assembly, with the following exceptions.

(1) *Privileged Questions.* To Rise, or if business is not concluded, to Rise, report progress, and ask leave to sit again, takes the place of the motion to adjourn, and no other Privileged Question is admissible.

(2) *Subsidiary Questions.* Questions of Order and Appeal, and amendments, are the only Subsidiary Questions which can be entertained.

(3) *Incidental Questions.* The following are not admissible: To Reconsider, To Suspend a Rule, To Take the Yeas and Nays, to Limit, or Extend Debate. Neither a special rule of the assembly, unless so stated, nor the Parliamentary Rule limiting debate, applies in Committee of the Whole.

(4) *The Chairman* may take part in the proceedings as a private member.

(5) *The Journal Entries* consist of the report made by the chairman after the president resumes the chair, which report should be the result, and not the intermediate steps taken. It is usual for the assembly to receive the report before adjournment, but if it decides otherwise, it comes up after the journal is read at the next Sitting, unless there is an Order of Business, in which case it must await its place, taking precedence among reports.

108. The Investigation of Charges [34], is generally referred to a Special or Standing Committee, or to the Committee of the Whole, usually to the former. At the examination, both parties may be present with counsel, and introduce and cross-examine witnesses. Evidence in order to sustain the charge, need not be strong enough to convict in criminal proceedings. The evidence and proceedings should all be written down by the committee.

a. If Written Evidence is used, the questions and cross-questions are to be agreed

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or decided upon before being submitted to the distant witness, and the authenticity of the replies must be evinced by the hand writing, or otherwise.

b. NOTICE. The accused should be served with a copy of the charges, together with a written notice signed by one or more members of the committee, to appear at a stated meeting of the committee, previous to which Sitting the investigation cannot begin. Fifteen day's notice should be served personally, if the accused is to be found; otherwise, it should be left at his usual place of abode, or at his usual place of business, in some conspicuous place. The committee should also serve the accuser and witnesses with notices to attend. If the assembly is not authorized by law to send for persons and papers, a notice to a person not a member, should be in the form of a request. If the case is adjourned from time to time, no additional notice to the accused need be given. When the charges are amended by consent of the committee, the accused is entitled to an adjournment to prepare his defence.

c. THE REPORT should contain one or more resolutions as to guilt, and if the accused

is deemed guilty, one or more as to penalty, and should be accompanied with the full proceedings of the committee. If the accused or accuser (or witness if a member) fails to appear after being duly notified, and does not render a satisfactory excuse, he should be reported as guilty of contempt, but the investigation may take place if the means are at hand.

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ARTICLE XIII. Recapitulation.

§ 109.

Question Table.

Stars answer questions affirmatively; blanks negatively. Ciphers indicate that the questions can not be appropriately answered by yes or no. Grade Questions are here arranged according to priority. For further information regarding any question, consult the section cited in the cross reference.

Subdivisions of Sections.	Cross Reference to Section.		In order when another has the floor. 43	Require no Second. 44.	Not Amendable. 73.	Undebatable. 86.	Permit Debate on Main Question. 85.	Ought by Sp. Rule to require ⅔ V. 112.	Require Unanimous Vote. 92.	Subject to Renewal. 51.	Subject to Quasi Renewal. 52.	Subject to Repeal. 51.	Subject to Quasi Repeal. 53.	Can not be Reconsidered if Lost. 82.	Can not be Reconsidered if Adopted. 82
a.		PRIVILEGED QUESTIONS:													
1	63	Fix the time for next Sitting,	..	..	..	..	0	..	..	..	..	..	..	..	..
2	64	Adjourn, - - - - -		..	..	..	0		..	..	..	..	..		
3	65	Subjects of Privilege, -	0	..	..	..	0	..	..	..	..	..	..	..	..
4	66	Take up Special Orders, -	..	*	*	*	0	..	..	..	..	..	..	..	..
b.		SUBSIDIARY QUESTIONS:													
1	67	Lay on the Table, - -	..	..	*	*	..	..	..	..	*	..	*	*	*
2	68	Questions of Order, not Submitted, - -	*	*	*	*	..	..	..	0	..	..	..	0	0
3	68	Questions of Order, Submitted, - - -	*	*	*	..	..	..	..	..	..	..	..	..	..
4	68	Appeal Regarding Decorum,	*	..	*	*	..	..	..	..	..	..	..	..	..
5	68	Appeal Regarding Other Questions, - -	*	..	*	..	..	..	..	..	..	..	..	..	..
6	70	Close Debate, - -	..	..	*	*	..	*	..	..	*	*	..	..	..
7	71	Postpone to a Stated Time,	..	..	..	..	..	..	..	..	..	..	..	..	..
8	71	Make a Special Order, -	..	..	..	..	*	..	0	..	..	..	*	*	*
9	72	Commit, - - - - -	..	..	.	..	*	..	..	..	*	*	*	*	*
10	73	Amend an Amendment, -	.	..	*	..	..	..	..	..	..	..	..	..	..
11	73	Amend, - - - - -	..	..	..	..	..	..	..	..	..	..	..	..	..
12	73	Amend the Rules, - -	..	..	..	..	0	*	..	0	..	0	..	..	..
13	75	Repress, - - - - -	..	..	*	..	*	.	..	..	*	..	..	..	..
c.		INCIDENTAL QUESTIONS:													
1	76	Divide, - - - - -	..	..	..	*	.	..	..	..	..	..	..	..	..
2	77	Limit, or Extend Debate	..	..	..	*	..	..	..	..	..	..	..	..	..
3	78	Withdraw a Motion, -	..	..	*	*	.	..	*	..	..	..	*	*	*
4	79	Suspend the Rules, -	..	..	*	*	.	*	*	..	..	..	..	*	*
5	80	Open, or Close Nominations,	..	..	*	*	..	..	..	..	..	*	..	*	*
6	81	Read a Paper, - -	.	..	*	*	..	..	..	..	..	..	..	*	*
7	82	Reconsider, - - - -	.	..	*	*	..	..	..	..	..	..	..	*	*
8	83	Excuse from Voting, -	.	.	*	*	..	.	..	..	..	..	..	*	*
9	84	Take the Yeas and Nays,	..	..	*	*	..	..	..	..	..	..	..	*	*

Subdivisions of Section.	Cross Reference to Section.		In order when another has the floor. 43	Require no Second. 44.	Not Amendable. 73.	Undebatable. 86.	Permit Debate on Main Question. 85.	Ought by Sp. Rule to require ⅔ V. 112.	Require Unanimous Vote. 92.	Subject to Renewal. 51.	Subject to Quasi Renewal. 52.	Subject to Repeal. 51.	Subject to Quasi Repeal. 53.	Can not be Reconsidered if Lost. 82.	Can not be Reconsidered if Adopted. 82
d		RESULTANT QUESTIONS:													
1	74	Agree,	..	..	*	..	*	..	..	..	..	..	..	*	*
2	74	Disagree,	..	..	*	..	*	..	..	..	..	..	..	*	*
3	74	Recede,	..	..	*	..	*	..	..	..	..	..	..	*	*
4	74	Insist,	..	..	*	..	*	..	..	..	..	..	..	*	*
5	74	Adhere,	..	..	*	..	*	..	..	..	..	..	..	*	*
e		ORIGINAL MOTIONS:													
1	71	Discharge a Special Order or Orders,	..	..	..	..	0	..	..	..	..	..	..	*	*
2	26	Expunge Minutes,	..	..	..	..	0	..	*	..	..	..	..	..	..
3	63	Fix the Time for next Sitting,	..	..	..	..	0	..	..	..	..	..	..	..	..
4	82	Reconsider,	..	..	*	..	0	..	..	..	..	..	..	..	..
5	72	Relieve a Committee,	..	..	..	..	0	..	..	..	..	..	..	..	..
6	64	Take an Intermission,	..	..	*	*	0	..	..	..	*	*	*	*	*
7	67	Take from the Table,	..	..	..	..	0	..	..	..	..	..	..	*	*
f.		SPECIAL SUBJECTS:													
1	42	Doubting Title to the Floor,	*	*	*	*	0	..	..	..	..	..	..	0	0
2	97	Doubting Result of a Vote,	*	*	*	*	.	..	..	.	..	..	..	0	0
3	55	Illegal Vote,	..	.	0	0	0	0	0	0	0	*	*	..	..
4	51	Motion Withdrawn,	..	..	0	*	0	0	0	*	.	0	0	0	0
5	86	Motion requiring Unanimity,	..	..	..	*	0	..	0	..	..	..	..	..	..
6	51	Measures if from Coördinate Branch,	..	*	..	..	0	..	..	*	..	..	..	..	..
7	73	Nominations (Fill'g Blanks included),	..	*	*	..	0	..	..	0	0	0	0	0	0
8	74	Rep'ts of Confer'ce Com'tees	..	..	..	..	0	..	..	0	0	0	0	..	..
9	43	Seconding a Motion,	*	0	0	0	0	0	0	0	0	*	0	0	0
10	82	Vetoed Bills on Reconsid'n,	..	*	*	..	0	*	..	..	..	*	0	0	0
11	82	Votes if Reconsidered,	..	.	..	..	0	..	..	0	0	*	0	0	0
12	82	Votes previously Reconsid'd,	0	0	0	0	0	0	0	..	..	..	..	*	*
13	54	Votes on Admission to Membership,	..	..	..	..	0	..	..	..	..	..	..	*	*
14	54	Votes on Election to Office,	..	..	..	..	0	..	..	..	..	..	..	*	*
15	54	Votes on Guilt or Penalty,	..	..	..	..	0	..	..	..	..	..	..	*	*

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XIV. SUGGESTION. 112–114.

110. Objects of Motions. The systematic classification of motions will be found in Art. VI, but for the purpose of comparison and contrast, a few of them are here classed according to their objects.

a. SIMILARITY. Under this head is shown the manner in which different motions may be used to accomplish the same purpose.

(1) *Modifying*. For this purpose the motions to Commit, to Amend, and to Reconsider are used.

(2) *Deferring*. This is done by the motions to Adjourn, to Lay on the Table, to Postpone to a Stated Time, and to Commit.

(3) *Stopping Debate* is done by the motions to Close Debate, and to Limit Debate.

(4) *Suppressing* is done by the motions to Lay on the Table, and to Repress.

b. CONTRAST. Under this head is shown by contrast the different effects of similar motions.

(1) *Separating*. To Divide for the purpose of consideration, is an Incidental Question, but to separate permanently two parts of a paragraph or clause, is an amendment.

(2) *Questions* of Order and of Privilege should not be confounded. The former guide and direct the business before the assembly, while the latter interrupt it. Subjects of Privilege is a better term to apply to the the latter, to avoid confusion with the term Privileged Questions.

III. Interruptions are regulated as follows:

a. ADJOURNING. Business unfinished is discharged by a dissolution, but it may be commenced *de novo* at another Session. The same is true if interrupted by the close of a Session which does not complete an Assembly Term provided three months or more intervene between Sessions. If less than three months intervene, or if it is interrupted by the adjournment of a Sitting merely, it is resumed and has preference as unfinished business. This is the case whether the adjournment was for the want of a quorum or otherwise.

b. DEFERRING. Motions tabled or postponed, when taken up stand in the same condition as to Auxiliary Questions and debate as when deferred. The motion to Reconsider, if carried as an Original Motion, brings the sub-

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ject up anew as to Auxiliary Questions and debate.

c. SPEAKING. A person entitled to the floor, who yields it for a motion to Adjourn or to Postpone, or makes the motion himself, is again entitled to it when the subject is resumed, whether the motion prevails or not, provided he reserves the right when the motion is made.

ARTICLE XIV.

Suggestions.

112. Laws and Rules. The special laws of a government or assembly, are those in use only by itself. The Constitution and laws of the United States, are its special laws, as distinguished from the common law. The special laws of a state, are its constitution and statutes; those of a city, are its charter and ordinances. Some organizations having different branches, have laws of general application, and special laws for each branch. Laws of legislatures and other assemblies, sometimes consist of the following kinds, and they rank in the order named. It is well for the order

of business to form a part of the rules: Constitution, Laws or By-Laws, Rules, Order of Business, Standing Resolutions or Orders, and Parliamentary Law.

a. THE CONSTITUTION of a society, like that of a state, should contain fundamental laws not subject to frequent change. It is well to provide that amendments shall be made only at annual, semi-annual or quarterly meetings, by a two-thirds vote after specific notice. It should contain a provision for amending the various kinds of laws and rules, otherwise they may be amended by a majority vote, at any time after the Session Period during which they were adopted. For many societies the following is a good arrangement of articles to be subdivided into sections.

(1) *Organization.*
(2) *Membership.*
(3) *Meetings.*
(4) *Officers.*
(5) *Finance.*
(6) *Rules and Amendments.*

b. THE BY-LAWS should contain all the details that are considered necessary, except the

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manner of conducting business, which should be left to the

c. RULES OF ORDER. As it is desirable that all should become familiar with Parliamentary laws, it is well to put them in practice by adopting as few special rules as practicable and consistent with the objects of the society. Many organizations have Rules of Order which are mainly a recapitulation of parliamentary rules. The author has endeavored to make this work sufficiently systematic and concise to avoid the necessity for the adoption of any rules except such as change the parliamentary law. A set of rules can not be adopted which would not be subject to change during any future Assembly Term. The following are suggested from which societies may select:

(1) *Preferred Questions.* The only Preferred Questions entertained shall be the following, to rank in the order named: To Adjourn, Subjects of Privilege, To Repress, To Lay on the Table, Questions of Order, To Close Debate, Incidental Questions, To Postpone to a Stated Time, To Commit, and To Amend.

(2) *To Repress* shall rank all other Subsidiary Questions, and it must be decided with-

out debate. It can not be entertained unless moved when the Main Question is first introduced, and for this purpose a speaker may be interrupted. It shall require a two-thirds vote to adopt.

(3) *To Close Debate* shall not be moved by any person who has debated the question. It shall require a two-thirds vote.

(4) *To Reconsider* shall not be a debatable question. It must be moved at the same, or next regular Sitting.

(5) *To Suspend the Rules* can be adopted only by a two-thirds vote.

(6) *The Yeas and Nays* may be ordered by a one-fifth vote.

(7) *Debating.* No member shall debate more than five minutes at a time, unless the time is extended by the usual parliamentary rule.

(8) *Voting.* After voting has commenced, it shall not be interrupted by motions and debate, provided the president shall have given ample opportunity for them before putting the question.

(9) *Authority.* The American Manual of Parliamentary Law, shall be authority in all cases, in the absence of a law or rule.

d. ORDER OF BUSINESS. It is well to provide that the divisions may be called out of consecutive order by a two-thirds vote, otherwise it would require unanimous consent. If the Order of Business is made one of the Rules of Order, and a provision is therein made for suspension, that would answer the same purpose. The following is appropriate for many societies:

(1) *Roll of Officers and pro tem. appointments.*

(2) *Reading and approving Journal.*

(3) *Election to Membership.*

(4) *Propositions for Membership* (*usually acted on at a future meeting*).

(5) *Reports of Officers and Committees.*

(6) *Special Orders* (*including Elections*).

(7) *Unfinished Business.*

(8) *Communications and New Business.*

e. STANDING RESOLUTIONS OR ORDERS. These being usually of the nature of rules, it is much better to embody them with the regular rules or By-Laws.

f. PARLIAMENTARY LAW occupies a position in deliberative bodies similar to that which the common law does in state govern-

ment; it governs such cases as are not covered by law or rule. As, however, it is not as well defined, it is better for an assembly, even though it should have but a single Sitting, to adopt at the outset some authority. [112 *c*, (9).]

113. Decorum. With an efficient person in the chair, there is no difficulty in preserving order in a well disposed assembly. The practice of attempting to assist in preserving order by cries of "Question" or "Order," or by rising to express an uncalled-for opinion, is itself a breach of order and should not be tolerated. It is well to remember that but one person at a time, can state a point of order, and that if this is not satisfactorily decided, an appeal can be taken. When a Question of Order is raised, those only should speak whose advice is asked by the chair. Ill-advised efforts to assist the chair in maintaining order, only add to the confusion.

114. Hints on Presiding. A person unfitted for the position, does himself and the assembly great injustice by accepting the office of president. To serve successfully in that capacity, a person should become familiar

with parliamentary law and cheerfully set the example of conforming to its requirements. A writer in describing the true qualifications of a president says, "To an enlargement of mind capable of embracing the most comprehensive subjects, must be added the faculty of descending with precision to the most minute."

He must have perfect control of himself, or he ought not to expect to control others. A lack of promptness, clear perception, and self-possession, is soon discerned, and the result is disastrous to good order. A president who frequently submits Questions of Order to the assembly for decision, necessarily loses the confidence of the body over which he presides. He should give close attention to each speaker and to the proceedings generally. As far as consistent with efficiency of work, he should distribute his appointments among as many as possible.

There is no place, save the home circle, in which good nature and a courteous bearing towards associates, is so much needed as in a deliberative assembly. He who knows his rights and is able to maintain them, yet with

uniform politeness prefers others to himself, is the model parliamentarian. To be able to diffuse this generous spirit throughout the assembly, and yet, to decide all questions impartially, should be the object of its president.

He should not appear to incline to either side of pending questions, hence should seldom exercise his right to vote, as in most cases it would not affect the results. Though he has the right to vacate the chair and take part in debate, he should very rarely avail himself of it. He should never transgress the rules by debating in his place. The practice of leaving the chair vacant and passing about the room, is to be deprecated. So also, is that of using the pronoun "I," instead of the official title. It is better to say, "The decision of the chair, is," etc., than, "I decide," etc. While promptness is greatly to be desired, it is unwise to jump at conclusions, and when the president finds he has erred in a decision, it is far better to frankly acknowledge the error than to persist in maintaining it.

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Quasi, a Latin word pronounced with the sound of *a* as in *fate*, meaning, having a resemblance to.

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